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MARYLAND

NOT A

ROMAN CATHOLIC COLONY

STATED IN THREE LETTERS,

BY

E. D. N.

FIRST PRINTED IN
Daily Pioneer, Saint Paul, Minnesota.

Nec falsa dicsre, nec vera reticere.

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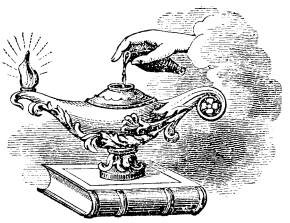

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MARYLAND NOT A ROMAN CATHOLIC COLONY.

LETTER FIRST.

From the St. Paul Pioneer, December 8, 1874.

Bishop Gibbons, the intelligent prelate of the Roman Catholic Church in Virginia, in his reply to Gladstone on Papal Infallibility, uses this language:

"As to whether religious and civil liberty will suffer any detriment from the Catholic Church, we can appeal with confidence to the past, especially to the history of our own country. The same spirit still animates and always will animate the Catholic Church that dictated the memorable decree which was passed by the General Assembly of Catholics (Maryland), in 1649: 'No person whatsoever in this province professing to believe in Jesus Christ, shall from henceforth be any ways troubled or molested for his or her religion, or in the free exercise thereof, or any way compelled to the belief or exercise of any other religion against his or her consent.'"

"They love a cause best who suffer for it most."

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The charter of Maryland granted to Lord Baltimore was *not a charter of religious liberty*, but the very opposite. If any one will take the time to examine, he will see that the instrument provided that no chapel should be erected there unless it was dedicated according to the *laws of the Church of England.* The colony was not founded from a religious but a pecuniary motive. The first settlers were sent out by a trading corporation. They were not, as is often stated, about two hundred Roman Catholic gentlemen. Cecil, Lord Baltimore, in a letter to Wentworth, afterwards the unfortunate Earl of Strafford, says:

"By the help of some of your Lordship's good friends and mine, I have sent a hopeful colony into Maryland, with a fair and favorable expectation of good success, without any danger of any great prejudice to myself, in respect that many others are joined with me in the adventure. There are two of my brothers with very near twenty other gentlemen of very good fashion, and *three hundred laboring men.*"

These laboring men were mostly Protestants, as they took the oath of supreme allegiance before sailing, and of the twelve who died on the voyage, ten were Protestants. Thomas Cornwallis and Jerome Hawley who went out as Councillors of the colony, were adherents of the Church of England.(1)

---

(1) Thomas Cornwallis, son of Sir William, grandson of Sir Charles, Ambassador to Spain, returned to England after the restoration of monarchy, and in 1676 died at Burnham Thorpe, Norfolk. His son, Rev. Thomas, was a Rector in Suffolk, and died 1731.

Rev. William, son of Rev. Thomas, was also a Rector in Suffolk and died 1786.

Rev. William, son of Rev. W., was a Rector in Kent, and died 1827.

Caroline Frances, the last of the line, daughter of Rev. William, the second, the talented authoress of "Small books on Great Subjects," died unmarried in 1828.

A noble Protestant succession!

Councillor Jerome Hawley died in 1638; his brother William was a Protestant in the Assembly of 1650. His brother Henry, was Governor of Barbadoes.

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Father Andrew White, a sincere Jesuit, after the expedition had passed the usual custom house inspection, came aboard at Isle of Wight.(1) In 1638 he says in his journal that he and his associates were blessed by God, "for of the Protestants who came from England this year, almost all have been converted to the faith."

These conversions raised a great uproar in England, and on December 1st, 1641, the House of Commons complained to the King, of "another State moulded within this State, independent in government, contrary in interest and affection, *secretly corrupting the ignorant or negligent professors of religion.*" Soon after this, Lord Baltimore, afraid that he might lose his lands, wrote to the American Jesuits to remember that they had no more privileges in that Province than in England.(2) Father White thus alludes to Lord Baltimore's conduct:

"Occasion of suffering has not been wanting from those from whom it was proper to expect aid and protection."

About the year 1642, Rev. Patrick Copland, a learned divine of the Church of England, living at Bermuda's Isle, with others embraced the views of Roger Williams upon "Toleration," and about 1645, moved to Eleuthera, one of the Bahamas to enjoy their religious views. They sent a message to the Puritans of Virginia, whose pastor was the Rev. Dr. Harrison, subsequently Chaplain of Henry Cromwell, when Lord Lieutenant

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(1) In 1645, Captain Ingle, commissioned by Parliament, appeared at Saint Mary. Father White was taken prisoner, and sent to England, tried and found guilty of teaching contrary to the statutes of England. He remained in prison until January 7, 1648, when the "House of Commons did concur with the Lords in granting the petition of Andrew White, a Jesuit who was brought out of America into England by force, in an English ship," and ordered him to be discharged, provided he left the kingdom within fifteen days. See *House of Commons Journal.*

(2) On October 7, 1642, he wrote these words:

"No ecclesiastic in the Province ought to expect, nor is Lord Baltimore, nor any of his officers, although they are Roman Catholics, obliged in conscience to allow such ecclesiastics any more or other privileges, exemptions, or immunities for their persons, lands or goods than is bestowed by his Majesty or officers to like persons in England."

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of Ireland, inviting them to cast in their lot upon this Isle of Patmos; but these Puritans, after corresponding with Governor Winthrop, of Massachusetts, declined, and accepted an invitation to live in Maryland. They landed on the Severn river, and named their settlements PROVIDENCE, as Roger Williams had already called his plantation in Rhode Island, but afterwards it was called Annapolis. Stone, the Governor of Maryland, about this time, was a Protestant from Virginia.

Owing to the entreaties of the friends of Williams and Copland, the English House of Commons, on October 27th, 1645, ordered "*that the inhabitants of Bermudas, and of all other American plantations now planted or hereafter planted, should without molestation or trouble, have and enjoy the liberty of conscience in matters of God's worship.*"

Two years later, Parliament passed another act allowing all persons to meet for religious duties and ordinances in a fit place, provided the public peace was not disturbed.

The Maryland act of 1649, to which Bishop Gibbons alludes as the work of Catholics, was simply an outgrowth of the English statutes, and passed under the strong Puritan influence in Maryland. After all that has been said about its being an Act for religious liberty, let us not forget that it provided that any one who denied the Holy Trinity should be punished with death!

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LETTER SECOND.

From St Paul Pioneer, December 13, 1874.

"W. M.", the critic of my purely historical notice of an error of Bishop Gibbons, that the Maryland Assembly of 1649 was Roman Catholic, I feel quite sure, from the style, is a fellow Philadelphian, a courteous gentleman, a sincere Christian, who, after a severe mental struggle, left the Protestant Episcopal Church and entered the Church of Rome; a man who would scorn to strip any church of the glory of any achievement, and, although, as Shakspeare says, "jesters do oft prove prophets," I do not think that he will ever so far forget his dignity as to joke upon a serious subject, or to trifle with historical truth.

It is, therefore, with great pleasure that I remove the misapprehensions of the first article, which was simply designed to show that the majority of the first settlers of Maryland were not Roman Catholics, and that the act of 1649, relative to religion, was passed by the influence of Protestants, and was not an act of toleration in the full sense, as it provided death for Unitarians.

"W. M." thinks I am not charitable, because I said Lord Baltimore founded his colony not from religious but pecuniary motives. Lord Baltimore tells us that he came to the New World to benefit his fortunes. He did not profess to be a strict religious man; the woman who accompanied him to Virginia was not his lawful wife; one of his sons, who became Governor of Maryland, was illegitimate. Upon the eve of his first departure to America he stated in a letter to Wentworth,

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that he went to look after his investments. [*See Earl of Strafford's Letters.* Dublin, 1740. Vol. I. p. 39.] His words are these:

"I must either go and settle it in better order, or else give it over, and lose all the charges I have been at hitherto, for other men to build fortunes upon; and I had rather be esteemed a fool by some, for the hazard of one month's journey, than to prove myself one certainly for six years past, if the business be now lost for the want of a little pains and care."

Newfoundland proving too rigorous, he sought a place where the climate was milder, and the winters shorter, to establish a commercial settlement like that in which he had been interested in the north. Am I uncharitable in saying, in 1874, just what the projector of Maryland said in the Seventeenth Century?

Sir James Grahame's remark, that it was the intention of either Lord Baltimore, the father or the son to colonize Maryland with "the persecuted votaries of the Church of Rome," cannot be proved from any authentic document of that age.

Cecil, Lord Baltimore laughed at the idea of his colonists being religious votaries. After the "Ark" and the "Dove" sailed from Gravesend, some one raised the report that nuns were aboard, and soldiers intended for Spain, "which," he says to Wentworth, "I believe your Lordship will laugh at." The ships were sent for by Admiral Pennington, and brought back, and all the passengers of the "Dove," who were mostly laboring men, took the oath of allegiance, which Lord Baltimore had refused to take, in order to procure a settlement in Virginia, and which oath Pope Urban the Eighth had charged the Irish "rather to lose their lives than to take."

"W. M." says that as soon as they landed they took possession "for our Saviour and for *our Sovereign Lord the King of England*," and planted a cross, and then he asks, "does that look like the act of a Protestant colony?"

The country had been *possessed* years before. At the Isle of Kent in Maryland, there was a Protestant settlement. Yow-

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ocomaco, named Saint Mary by Governor Calvert and Father White, had for several years been a trading point for New England vessels, and one of the principal traders there, after the arrival of Governor Calvert, Henry Fleet, acted as his interpreter, and became a member of the first legislature, and was a Protestant.

While the first Governor at Saint Mary was a Roman Catholic, the two Councillors, Hawley and Cornwallis, were Protestants. Marmaduke Snow, the prominent merchant, and Henry Fleet, the interpreter, were also Protestants — "obstinate heretics" is the term used by Father White.

Does this look like a Roman Catholic colony?

The colonists had no option in this matter of planting the cross. It was the act of the Govenor, Lord Baltimore's son, and Father White, his spiritual guide.

Now let us look at what "W. M." considers must be a "*merry joke.*"

A few years ago I searched the manuscript records in the Maryland Capitol, at Annapolis, and read every work or pamphlet on Maryland known to be published, and I think it can be proved that the Government of Maryland in 1649 was as follows:

The Governor, Protestant,	1
Councillors, Protestant,	6
Burgesses, Protestant,	9
	16
Councillors, Roman Catholic,	3
Burgesses, Roman Catholic,	5
	8

About two-thirds of the Assembly of 1649 Protestants! Is it a "merry joke," as W. M. says?

Maryland Assembly of 1650, Protestants 8, Roman Catholics 4.

Is this another "joke," or is it sober fact?

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The only object I had in my previous communication was the vindication of historical truth. If "W. M.' shall point out any error, I will be truly thankful, for it has been my aim in writing *nec falsa dicere, nec vera reticere.*

In this discussion I do not propose to consider what Bancroft, Sir James Grahame, or partisan pamphleteers have said, but the writings of Lord Baltimore, the journals of Parliament, and the charter and manuscript records of Maryland, the State which was the birthplace of my father, and the home of some of my ancestors for nearly two hundred years.

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LETTER THIRD.

From St. Paul Pioneer, December 20, 1874.

"W. M." has admitted that the charter of Maryland could not be expected to secure religious liberty, emanating, as it did, from the government of what he calls "persecuting England," but intimates that the charter shows that Lord Baltimore was actuated by a *religious motive* in founding the colony.

The charter simply uses the language of all charters of that period, as may be seen by comparing it with the charter of Carolana, A. D. 1629, granted to the Attorney General of England, and proves nothing as to real motive:

CAROLANA, A. D. 1629.	MARYLAND, A. D. 1632.
"Whereas, our trusty and well beloved subject Sir Robert Heath, our Attorney General, being excited with a laudable zeal for the propagation of the Christian faith."	"Whereas, our well beloved and right trusty subject, Cecilius Calvert, Baron of Baltimore, being animated with a laudable and pious zeal for extending the Christian religion."

The first recorded statement of Lord Baltimore relative to toleration in Maryland, is found in his letter of 1642 to the Jesuits settled there, which we alluded to in our first paper. He tells them that they are not to expect any more privileges in the colony than they had in England.

Maryland and England in 1642, then, *occupied the same attitude toward Roman Catholics*, if Lord Baltimore told the truth.

"W. M." and "E. D. N." both agree that the Assembly of 1649 was a turning point in the civil and religious history of Maryland.

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The act of 1649, relative to religion, I have shown was only an adaptation of a similar act, passed(1) in 1647, by the Parliament of England, then intensely Puritan.

Rev. Thomas Harrison, the former pastor of the Puritans at Providence, afterwards called Annapolis, speaks of the act of 1647 as "that golden apple, the ordinance of toleration."

As soon as possible, in 1648, he visited England, and won the respect of Lord Baltimore; and the next year, with the consent of the Proprietor, the Maryland Assembly passed the Act on Religion.

Charles, Lord Baltimore, in a letter to the Bishop of London, speaking of the Maryland Act of 1649, calls it the "Act of 1647," because shaped after the English statute of that year.

After a fight between the Royalists and Puritans near Annapolis, their difficulties were settled in 1657, by the *Cromwellian Commissioners* making a compact with Lord Baltimore "that he would never assent to the repeal of a law established heretofore in Maryland by his Lordship's consent, whereby all persons professing to believe in Jesus Christ, have freedom of conscience there." That law, so dear to the Puritans, *was the Act of* 1649, which they had used their influence to enact.

It remains proved from the three articles written, I think, that the Maryland Assembly of 1649, which passed what Bishop Gibbons calls a *memorable Act of Religion*, was not Roman Catholic in sentiment.

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(1) The phraseology of the English statute that "Holy Church shall have all her rights and liberties", passed into the Maryland Statutes as early as 1638. That "Holy Church" was the Church of England, in the eye of the law, and no other.

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LIGHT THROWN BY THE JESUITS UPON HITHERTO OBSCURE POINTS OF EARLY MARYLAND HISTORY.

READ BEFORE DEPARTMENT OF AMERICAN HISTORY, MINNESOTA HISTORICAL SOCIETY.

BY REV. EDWARD D. NEILL.

The "Records of the English Province of the Society of Jesus" with accompanying documents have been published in London, under the careful supervision of Henry Foley, one of their Order.

While the six large volumes of this work pertain largely to the disturbed period in England, from the days of Queen Elizabeth to the accession of William and Mary, yet there are dispersed through the many pages, facts of value to the student of American history.

More than one hundred and fifty years ago, Oldmixon and other chroniclers began to write in a careless way of the Province of Maryland, and because Cecil Calvert, the Second Lord Baltimore, its Proprietor, was an adherent of the Church of Rome, an impression went abroad that a number of gentlemen, chiefly Roman Catholics and their servants, sought the shores of the Potomac in order to worship God in peace. Soon a mythical statement was formulated, that the Charter of Maryland was a charter of religious liberty, and that the first act for toleration in religion was passed A. D. 1649, by a Maryland Legislature.

After the independence of the United States of America was recognized, the early historians of the Republic had not access to original documents, and were obliged to depend upon the loose statements found in geographical gazetteers, and in articles published in the "London" and "Gentleman's Magazine."

Even Mr. Bancroft, our distinguished living historian, in

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the first editions of his valuable work, was misled, and wrote that "religious liberty obtained a home, its only home in the wide world, at the humble village which bore the name of Saint Mary." The last edition of his History of the United States, however, shows a more intimate acquaintance with the early records, and his words are more like words of truth and soberness. The writers of our school histories, however, continue to retain the stereotyped formula, and even Scharf, in the latest and largest if not the best "History of Maryland," writes: "The evidence leads to the conclusion that the Colony, though containing many non-catholics, was a Roman Catholic settlement originally, and so continued until 1649, when the great Toleration Act was published." In a little book published by Munsell, of Albany, during the centennial year of the Republic, called the "Founders of Maryland," it was clearly shown that Thomas Cornwallis, called by Bozman "the guardian genius of the Colony," and other master minds of the infant settlement were Protestants, not Roman Catholics, and there are Parliamentary documents in which Cornwallis declares that he sympathized with Richard Ingle, the commander of the first Parliament ship which appeared in Maryland waters, although, subsequently, he disagreed with this London captain.

Statements, differing from those taught in our school days, have been hitherto received with distrust, and the originators thereof have been charged with illiberality, Puritanism, or hatred of Roman Catholics. Happily, the vexed questions in connection with the earliest chapter of Maryland History have been settled by the publication, in the "Records" to which we have referred, of two papers, from the collection of Jesuit Manuscripts at Stonyhurst.

The first, supposed by the learned editor to have been written by the Jesuit Father, Andrew White, who landed A. D. 1634, with the first immigrants at the Indian village on a tributary of the Potomac, and in 1645 was captured by Captain Ingle, under a commission from Parliament, and taken to London, contains the following statements which will satisfy the fair-minded, that in the first days of the Maryland

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Province, religious liberty was not enjoyed. The language is most explicit. It is: "In a country like this, newly planted and depending upon England for its subsistence, where there is not, nor can be, until England is re-united to the Church, any ecclesiastical district established by the laws of the Prince, or granted by the Prince, nor permanent Synod held, nor spiritual courts erected, nor the canon law accepted, nor ordinary or other ecclesiastical persons admitted, as such, *nor the Catholic religion publicly allowed. And whereas three parts of the people or* [*of?*] *four, at least, are heretics,* I desire to be resolved."

Here is a positive statement as to the overwhelming preponderance of the Protestant element among the first settlers, and also that the adherents of the Church of Rome were not allowed places of public worship, and contradicts the statement in the last edition of Bancroft, that "toleration grew up in the Province silently, as a custom of the land."

The other documents, written in 1642, by the Provincial of the Society of Jesus in England to the Propaganda at Rome, is strongly corroborative, and proves that the early colonists were troubled by religious dissensions. He writes of the people that the "greater part were heretics," that the country was "esteemed to be a New England," and that "greater dangers threaten our Fathers, in a foreign, than in their native land of England," and that they cannot expect "sustenance from heretics hostile to the faith, nor from the Catholics who are for the most part poor, nor from the savages who live after the manner of wild beasts."

He also adds: "For since the said Baron [Baltimore] was unable to govern Maryland in person, he appointed his substitute, Mr. Leugar, his Secretary, who was formerly a minister and preacher, and being converted to the faith, retains much of the leaven of Protestantism, for he still maintains those dogmas, so justly offensive to Catholic ears, that no external jurisdiction was given by God to the Supreme Pontiff, but merely an internal one, in foro conscientiæ, etc."

Then follows the direct statement that the first General Assembly, held under the Secretary, was "*composed with few*

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exceptions of heretics, and presided over by himself, in the name of the Lord Baltimore, to pass the following laws repugnant to the Catholic faith and ecclesiastical immunities: that no virgin can inherit, unless she marries before twenty-nine years of age; that no ecclesiastic shall be summoned in any cause, civil or criminal, before other than a secular judge; that no ecclesiastic shall enjoy any privilege, except such as he is able to show ex Scriptura; nor to gain any thing for the Church, except by the gift of the Prince; nor to except any site for a church or cemetery; nor any foundation from a convert Indian King; nor shall any one depart from the Province, even to preach the Gospel to Infidels, by the authority of the See Apostolic, without a licence from the lay magistrate."

The firmness of the Jesuits, the letter continues, "greatly enraged" the Secretary, and he "began to turn his attention to the expulsion of the Fathers."

It remains to be seen whether the compilers of school histories will conform to the facts above stated, or continue to repeat the old story, of Maryland being a Roman Catholic Colony, and the first home of religious liberty upon the continent of North America.

The "Mr. Leugar" spoken of in the letter to the Propaganda was John Lewger, a native of London, and a fellow-student of Cecil Calvert in Trinity College, Oxford, which he entered in 1616, and six years later received the degree of Master of Arts. Turning his attention to Theology, he received the degree of Bachelor of Divinity at the same time as the celebrated Phil. Nye, a member subsequently of the Westminster Assembly of Divines. In 1632 he was Rector of a parish in Essex, but by the influence of Chillingworth, a god-son of Archbishop Laud, became an adherent of the Church of Rome. In a little while, however, Chillingworth repented of his position, and came back to the Church in which he was educated, and was anxious that Lewger should also retrace his steps. He published a letter called "Reasons against Popery, in a letter from Mr. William Chillingworth, to his friend Mr. Lewger, persuading him to return to his

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mother, the Church of England, from the corrupt Church of Rome." The effort failed, and Lewger's classmate, now the second Lord Baltimore, in April, 1637, appointed him Secretary of Maryland. He arrived in the Province, the next November, with his wife and son John, nine years of age. His duties were varied and important. In addition to those as Secretary, he was Receiver of Rents, Privy Councillor, Attorney General, and Judge in cases testamentary and matrimonial. During his residence in Maryland his wife had two daughters, Cicely and Elizabeth. In a few years his wife died, and he then went back to England, and became a priest of the Roman Catholic Church, and lived with his constant friend Lord Baltimore.

If we would understand the early history of Maryland we must remember that Lord Baltimore has left on record a letter to the Earl of Strafford in which he states that the object of his colony was to promote his worldly interests. Cecil Calvert inherited but little from his father George, the Proprietor of Avalon, in New Foundland. When Charles the First, in February, 1638, ordered the nobility of Yorkshire and other of the northern counties to retire to their estates, Baltimore writes a letter to the Secretary of State, in which he expresses his willingness to sacrifice his life and his fortune for his Majesty, but he asks a dispensation in his favor: "Because," says he, "my wife has not, I protest to you, stirred out of her chamber these three months last past through illness, and I have little hope that she can be able to make any such journey as unto Yorkshire, where my house is, by the 1st of next month. Nor, indeed, am I any way persuaded to live there with my family, where I never resided in my life, nor seen so much as my land there in ten years, it all being rented out together with my house to tenants."

Wardour Castle, the seat of the Earl Arundel, where Cecil, Lord Baltimore, resided with his father-in-law, was rich with ancestral associations, but the old Earl was very poor in this world's goods. When fourscore years of age, under date of February 17, 1638–39, he writes to the King: "Moneys I have none, no, not to pay the interest of the debts. My plate

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is placed at pawn. My son, Baltimore, is brought so low with his setting forward the plantation of Maryland, and with the claims and oppositions which he has met with, as that I do not see how he could subsist, if I did not give him diet for himself, wife, children."

When the Jesuits began to convert and obtain grants of land from Indian chiefs on the Potomac, in the name of their agents, and to claim that they were not obliged to conform to the regulations of the land office of the Province, it is easy to see why Baltimore's Secretary desired their expulsion, and why everything was not altogether lovely.

APPENDIX.

For the convenience of historical students, there is appended the full text of the documents alluded to in the above article, extracted from vol. 3d, pp. 362–367, "Records of the English Province of the Society of Jesus," by Henry Foley, S. J. London: Burns & Dates, 1878.

The Editor prefaces the first with these remarks:—

"In volume IV., Stonyhurst MSS., *Anglia*, n. 108 B, is a paper headed 'Cases' containing a list of twenty propositions of canon law for the advice of Propaganda, which were probably written by Father White, and sent through the Provincial Father Blount.

"These propositions arose out of the oppressive conduct of the Secretary of Lord Baltimore, in whose charge he had left the infant colony during his temporary absence.[1] They are referred to in the letter of the Reverend Father Provincial, in Rome, which commences thus"—

"In a country like this, newly planted, and depending wholly upon England for its subsistence, where there is not (nor can be until England is reunited to the Church) any ecclesiastical discipline established by laws of the province, or granted by the Prince, nor provincial synod held, nor spiritual courts created, nor the canon laws accepted, nor ordinary, or other ecclesiastical persons admitted (as such), nor the Catholic religion publicly allowed. And whereas three parts of the people or four, at least, are heretics, I desire to be resolved."

"Then follow various questions to be solved. In the same volume of MSS., n. 108 H, is the form of a special agreement to be entered into between the Father Provincial of the English Province and the Lord Cecil Baltimore, his heirs and successors. This first recites that 'the King of England had granted the province of Maryland, with royal jurisdiction therein to the said

[1] Father Foley shows a singular ignorance of history; Cecil, Lord Baltimore, was never a resident of Maryland.—E. D. N.

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Lord Baltimore, by force whereof no English subject, even a colonist of Maryland was capable of accepting, buying, &c., any land, unless by licence of the said Baron or his heirs; and since the said Baron had incurred and was still incurring great expenses, and daily underwent many troubles and dangers, both of person and property, chiefly on account of propagating Christianity in those parts, without having as yet received any fruit or temporal gain, who, however had he failed in his protection of the colony, it never could (humanly speaking) have lasted so long,' &c., it then proceeds in several clauses to make stipulations as to the purchase, &c., of land in the colony: 'And since it is sufficiently clear that Maryland depends upon England, that it could not support itself unless they frequently sent over supplies of necessaries; and since it is not the less evident that, as affairs now are, those privileges, &c., usually granted to ecclesiastics of the Roman Catholic Church, by Catholic Princes in their own countries, could not possibly be granted here without grave offence to the King and State of England (which offence may be called a hazard both to the Baron and especially to the whole colony). Therefore,' &c. The agreement goes on to bind the members of the Society in Maryland not to demand or require any such privileges and exemptions, excepting only those relating to corporal punishments, unless by chance the offence should be a capital one in which degradation would attach; and then provides as to the licence of the Governor for sending out members of the Society to Maryland, and for their removal, &c.

"The labors of the Jesuit missionaries having been greatly blessed in the conversion both of Protestants and native Indians, as we shall see from the Annual Letters of the Province, the enemies of the Catholic faith were aroused,[1] and in the year 1642 a serious assault was made upon the privileges and immunities of the Catholic Church in the colony, by which means they sought to tie the hands of the missionaries. The Fathers resisted the attack as being fatal to the mission, and reported at once to the Vice-Provincial at home (then Father Henry More), who immediately appealed to Propaganda, and wrote the following memorial to the Cardinal Prefect. A copy of it is preserved in MSS., *Anglia*, Vol. IV. n. 108 K."

Memorial to Cardinal Prefect.

"The Provincial of the Society of Jesus in England humbly represents to your Eminence, that in the month of June, 1632, the King of England granted to the noble Lord Baron Baltimore, a Catholic, in propriety, a certain Province on the sea coast of North America, inhabited by infidels, which at this day is called the Land of Mary, or Maryland, after the reigning Queen of England.

"The said Baron immediately treated with Father Richard Blount, at that time Provincial, at the same time writing to Father General, earnestly begging that he would select certain Fathers, as well for confirming the Catholics in the faith, and converting the heretics who were destined to

[1] Father White says that these enemies were Lord Baltimore and his agents.—E. D. N.

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colonize that country, as also for propagating the faith amongst the infidels and savages. The affair was surrounded with heavy and many difficulties, for in leading the colony to Maryland by far the greater part were heretics, the country itself, *a meridie Virginiæ ab Aquilone*, is esteemed likewise to be a New England, that is two provinces full of English Calvinists and Puritans; so that no less, nay, perhaps greater dangers threaten our Fathers in a foreign, than in their native land of England. Nor is the Baron himself able to find support for the Fathers, nor can they expect sustenance from heretics hostile to the faith, nor from the Catholics for the most part poor, nor from the savages who live after the manner of wild beasts.

"The zeal of the said Father Provincial conquered these and other difficulties, and at first two Fathers were sent out, as it were, to explore and ascertain if there might be any hope of the gain of souls, when the country should appear 'white to the harvest.' Some years ago a geographical description of this country was presented to his Eminence, Cardinal Barberini, Protector, with a humble petition that he would deign to receive the Fathers sent out there under the patronage of his kind protection, equally with the rest in England, so that the matter might be transacted in such a way as to avoid giving offence to the State of England.

"After this the Fathers indeed increased both in numbers and in courage, in sufferings of hunger and want, in frequent diseases which were fatal to some, and lastly through various dangers applied themselves with constancy to the salvation of souls, learnt the savage language which is formed of various dialects, composed a dictionary, a grammar, and a catechism for the use of the infidels; and the Divine Goodness was pleased so to favor these attempts that, besides others, a certain chief, having many tributary kings under him, with his wife and family and some of his ministers, was brought to the faith, and unless hindered by professing Catholics, a great door was laid open to the Gospel.

"Impediments indeed, and these severe ones, did arise, and from those from whom they were least due. For, since the said Baron was unable to govern Maryland in person, he appointed as his substitute a certain Mr. Leugar, his Secretary, who was formerly a minister and preacher, and being converted to the faith retained much of the leaven of Protestantism: for he still maintained those dogmas so justly offensive to Catholic ears—that no external jurisdiction was given by God to the Supreme Pontiff, but merely an internal one *in foro conscientiæ;* that no immunity for goods or person was due to him or any other ecclesiastics, except such as lay princes and seculars chose to confer upon him or them; that it would be a great offence, and one to be mulct by punishment to exercise any jurisdiction whatever, even of absolving from sin, without special licence from the Baron, from whom all lawful jurisdiction was derivable; that a woman making a vow of virginity, and not marrying after the twenty-fifth year of her age, could not hold lands by heirship coming from her parents, but that they must be sold, and if the parties refused to do so, then by compulsory sale. That the General Assembly or Parliament possessed so great an authority over the property of all, that it could dispossess every one it chose of their all, even to the under-garment, for the use of the Republic; and other such like propositions of the said Mr. Leugar are comprehended in twenty questions which are laid before this second Congregation by the hands of the Secretary.

"Therefore the Secretary (Leugar) having summoned the Assembly in Maryland, composed with few exceptions of heretics and presided over by himself, in the name of the Lord Baltimore, attempted to pass the following laws repugnant to the Catholic faith and ecclesiastical immunities: That no virgin can inherit, unless she marries before twenty-nine years of age; that no ecclesiastic shall be summoned in any cause civil or criminal before any other than a secular judge; that no ecclesiastic shall enjoy any privilege,

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except such as he is able to show *ex scriptura*, nor to gain anything for the Church except by the gift of the prince, nor to accept any site for a church or cemetery, nor any foundation from a convert Indian king; nor shall any one depart from the province, even to preach the Gospel to the infidels by authority of the See Apostolic, without a licence from the lay magistrate; nor shall any one exercise jurisdiction within the province, which is not derived from the said Baron, and such like.

"The Fathers of the Society warmly resisted this foul attempt, professing themselves ready to shed their blood in defence of the faith and the liberty of the Church. Which firmness greatly enraged the Secretary, who immediately reported to Baron Baltimore that his jurisdiction was interrupted by the Fathers, whose doctrine was inconsistent with the government of the province. Hence the said Baron, being offended, became alienated in his mind from the Fathers of the Society of Jesus, and at first *ipso facto* seized all their lands and let them to others, as though he was the lord and proprietor of them, although King Patuen had given them the same lands when he was a catechumen, upon the express condition for supporting priests, who had brought his subjects to the true knowledge, faith, and worship of God. The said Baron, with others favorable to his opinions, began to turn his attention to the expulsion of the Fathers, and the introducing others in their stead who would be more pliable to his Secretary. Therefore he procured last year to petition the Sacred Congregation of the Propagation of the Faith, in the name of the Catholics of Maryland, to grant to a Prefect and secular priests faculties for the same mission, making no mention in the meanwhile of the labors of the Fathers undertaken in that harvest, nor expressing the motives which induced him to substitute new missionary priests. And in order that he might have some new grounds to urge for calling away the Fathers of the Society from thence, he proposed certain points similar to those laid before the Sacred Congregation, to be presented to the Provincial by the hands of the Secretary, that he might subscribe them in the name of himself and of the Fathers in Maryland. But the Sacred Congregation, being entirely ignorant of these matters, granted the petition; and in the month of August, 1641, faculties were expedited from the Sacred Congregation and were transmitted to Dom. Rossett, now Archbishop of Tarsus.

"But since perhaps the other Prefect is not as yet appointed, or the faculties delivered, but are as yet, it is hoped, in the hands of Father Phillips, the confessor of the Queen of England, the said Provincial humbly begs of your Eminence, to deign to direct that the said faculties may be superseded, if the matter is yet entire, or if by chance the faculties are delivered, that the departure of new priests may be retarded for a sufficient space of time to allow the Holy See to decide upon what is best to be done for the good of souls. The Fathers do not refuse to make way for other laborers, but they humbly submit for consideration, whether it is expedient to remove those who first entered into that vineyard at their own expense, who for seven years have endured want and sufferings, who have lost four of their *confrères*, laboring faithfully unto death, who have defended sound doctrine and the liberty of the Church with odium and temporal loss to themselves, who are learned in the language of the savages, of which the priests to be substituted by the Baron Baltimore are entirely ignorant, and which priests either allow or defend that doctrine, from which it must needs be that contentions and scandals should arise, and the spark of faith be extinguished which begins to be kindled in the breasts of the infidels. Nevertheless, the Fathers profess themselves ready, with all submission, either to return to England from Maryland, or to remain there and to labor even to death, for the faith and dignity of the Holy See, as may seem fit to the prudence, the goodness, and charity of your Eminence."

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THOMAS CORNWALLIS

AND

EARLY MARYLAND COLONISTS.

BY

EDWARD D. NEILL, D.D.

SAINT PAUL, MINNESOTA.

[Reprinted from the N. E. Historical and Genealogical Register for April, 1889.]

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THOMAS CORNWALLIS AND THE EARLY MARYLAND COLONISTS.

IN the church of Erwarton, the quiet Suffolk parish, near Ipswich, England, at the entrance of the north door, may be seen, on a flat stone, an inscription to the memory of Penelope, who came to Maryland as the youthful bride of Thomas Cornwallis, the leading spirit and chief councillor among the earliest colonists of that Province. A brass tablet, on the floor of the north aisle of the same church, marks the resting place of the remains of the Maryland councillor's mother, while another slab within the chancel in Latin sentences tells the reader that the councillor's son Thomas was forty-five years the pious and laborious Rector of the Parish.

Of all the founders of England's colonies in North America, too little has been known of Thomas Cornwallis, while few were more active in maintaining the principles of Magna Charta, and in laying the foundations of civilization. In the days of Richard the Second, when insurgents like Wat Tyler were hooting in the streets of London, his ancestor was sheriff, and old Stow in his "Survay of London" writes that in the church of Saint Martin in Vintry Ward was buried in 1384 "Thomas Cornwalles one of the Shirriffes."

A descendant of the Sheriff was Sir John of Brome Hall, Suffolk, who was knighted for his bravery at Morlaix in Bretagne. His son, Sir Thomas, was a member of the Privy Council of Queen Mary, the Governor of Calais, and a short time before its surrender was recalled and made Comptroller of the Queen's Household. He built Brome Hall, a fine mansion, and Englishmen in their chagrin at the loss of Calais, improperly connecting his name with the transaction, in pasquinades asked—

> "Who built Brome Hall? Sir Thomas Cornwallis.
> How did he build it? By selling Calais.
> Sir Thomas Cornwallis what got you from Calais?
> Brome Hall, Brome Hall, as large as a palace."

The second son of the founder of Brome Hall was Sir Charles, the grandfather of the Maryland councillor, a firm adherent of the Church of England, and sent by James the First as Ambassador to Spain. The father of the American colonist, Sir William, was a son of the Ambassador, and respected for his virtue and talents, and the author of several essays. An uncle of the Maryland pioneer married Anna, daughter of Samuel Bevercott the postmaster of Scrooby, whose successor was William Brewster, subsequently the leader of the Puritans which landed at Plymouth Rock, Massachusetts.

Thomas, of Maryland fame, was the second son of Sir William,

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knight, and when young was engaged in mercantile pursuits in London. Cecil Calvert, the second Lord Baltimore, had obtained a patent for the Province of Maryland, carved out of the fairest portion of old Virginia, but Baltimore was very poor, and to profit from his land-grant it was necessary to enlist some who had commercial credit. In a letter to Wentworth, the Earl of Strafford, written in 1633, he mentions that he had found a few willing to adventure their persons, and invest money in founding a colony.

An organizatian was effected, and Leonard Calvert, a brother of the Proprietor, and of little force of character, was made Governor, while Thomas Cornwallis, of some means and with distinguished and influential relatives, was made the chief commissioner of the Maryland colony.

By holding out the inducement of good land and a pleasant climate, a number of persons, chiefly poor and illiterate, embarked in the ship Ark, in 1633, for the Chesapeake Bay. Before they left the Thames, as required by law, they took an oath in which each said, "I do abjure as impious and heretical the damnable doctrine and position that Princes which be excommunicated or deprived by the Pope may be deposed or murdered by their subjects."

The few gentlemen who accompanied the emigrants, sailed in a small pinnace named the Dove, and less than twenty of these reached the Province. Two were brothers of the Proprietor, two were sons of Sir John Winter, Knight, two were Jesuit missionaries, but the moneyed men were of the Church of England, Thomas Cornwallis and his partner, John Saunders, and the factor of the colony Justinian Snow.

A few months after they settled at Saint Mary, Saunders who partly owned the Dove went to Boston to trade. Governor Winthrop, under date of August 29, 1634, wrote that "the Dove, a pinnace of about fifty tons, came from Maryland upon Potomack river, with corn to exchange for fish and other commodities. The Governor Leonard Calvert and two of the commissioners wrote to make offer of trade for corn, and the Governor of Virginia wrote also in their behalf, and one Captain Young wrote to make offer to deliver cattle here. Near all the company came sick hither, and the merchant died within a week after."

The merchant was Saunders, by whose will Cornwallis became executor. A few years latter the factor of the Province, Justinian Snow, died. The Captain Young alluded to by Winthrop was a native of London, the first explorer of the Kennebec River, and in 1636 was captured by the French, carried to Quebec, and from thence to France.*

* Capt. Thomas Young was the son of Gregory Young, Grocer, of Cornhill, London, baptized on 16th of August, 1579, in St. Peter's Church, when six days old. On the 19th of October, 1590, Thomas Young's sister Susan married Robert Evelyn, Armorer, son of George Evelyn, and in 1592 George Evelyn, in manhood the commander of Kent Island, Maryland, son of Robert Evelyn and his wife Susan, was born on Monday, the 31st of January.

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The advent of Baltimore's colony was deplored by the Virginians. Charles the First, without the slightest regard to their rights, had given to a court-favorite the shores and tributaries of Chesapeake Bay. Palmer's Island in the Susquehanna River, before the charter of Maryland was sealed, had been a place of trade for Virginians. Here Edward Palmer of London, whose sister was the mother of the poet Overbury, in his will made A.D. 1624, provided, if all issue failed, for the founding of an institution to be known as "Academia Virginiensis et Oxoniensis." At the time that Governor Calvert and party arrived, William Clayborne, a member of a respectable Cumberland family, who had been Surveyor General of Virginia, with the aid of London merchants was largely engaged in trade with the Indians in the Chesapeake region, and determined not to surrender what he considered his rights under the laws of England.

In the spring of 1635, Cornwallis proceeded to search for English traders who had no license under the seal of Maryland. He found Charles Harmar, a son of the Warden of Winchester, and a brother of the distinguished Greek scholar of Oxford University, trading in a small vessel of Clayborne's called the Long Tail, without a Maryland license, and seized it. The owner was at Kent Island in Chesapeake Bay, and he sent a boat under Ratcliff Warren and thirteen others to rescue his property.

On the 23d of April, Warren met Cornwallis with two boats in Pocomoke River, and a fight took place resulting in the death of one Marylander and three Virginians. The first legislature of Maryland of which we have a record, met in January, 1638, and Cornwallis was the leading spirit. Governor Leonard Calvert was always weak and inefficient, and declared that the legislature had not the power to originate any laws, but Cromwell resisted this idea and succeeded in obtaining a committee whose bills as reported were passed as laws. Heretofore every freeman was entitled to a seat in the body, if not in person, by proxy, but at this session it was enacted that two burgesses in each hundred elected by the freemen thereof, should be representatives.

The next legislature met in February, 1639, and it was ordered that "Holy Church within this Province shall have all her rights and liberties." King James had defined the Church of England as the "Holy Mother Church," and expressed his determination "to maintain and defend the Holy Church and the rights and liberties of the same." The Charter of Maryland provided that all places of worship should be under the canons of the Church of England.

The jesuit missionaries were zealous and exemplary in their lives, but the laws of the Province hampered their movements, and another great difficulty was that more than three fourths of the first colonists were Protestants and not Roman Catholics. In letters to their Superior in England which have been preserved, they write that they dwelt "in a country depending wholly upon England for subsistence,

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where there is not, nor cannot be until England is re-united to the Church, any ecclesiastical discipline established, nor the Catholic religion publicly allowed." They also mention that three out of four persons in Maryland are heretics, and that the members of the Church of Rome "are for the most part poor."

Cornwallis was really the only man of substance, paid the largest taxes, and had the greatest number of white servants. These servants, indentured for a term of years, were bigoted, as ignorant people usually are, and hated the Pope, while their overseer, also a bigot, looked upon the Pope as the Infallible Vicegerent of Christ. There was a chapel near the Cornwallis plantation, where the servants used to attend service, where Protestant books were used. One day, in the spring of 1638, some of these servants were in the overseer's house, listening to the reading of some printed sermons by a divine of the Church of England. The overseer lost his temper, and was abusive. The servants then complained to the Court of the indignities "daily suffered from William Lewis of St. Inegoes, who saith that our ministers are ministers of the Divell, and further saith, that those servants w'ch are under his charge shall not keep nor reade any book w'ch doth apperteine to our religion, within the house of the said William Lewis, to the great discomfort of those poor bondsmen who are under his subjection." The Court censured Lewis for his "contumelious speeches, and ill-governed zeal," and made him pay a fine.

At this time there was in the Province, Andrew White, a Jesuit missionary, and Thomas White, a minister of the Church of England. In 1639 the latter was about sixty years old, and united in marriage John Hollis and Restituta Tue, servants of Cornwallis. This clergyman may have been the Thomas White, who in 1621 came to Virginia, described by the London Company as "a man of good sufficiencies for learning," and of whom Margaret Brent in 1648 told the Provincial Court that "lately deceased, out of the tender love and affection he bore unto her, intended, if he had lived, to have married her, and did by his last will give unto her his whole estate."

The tobacco planters of Maryland felt that is was not good for man to be alone, and in the absence of better, married white servant maids. Sir Edmund Plowden, the grandson of the English jurist, before Baltimore obtained a grant of Maryland, secured a patent for lands around Delaware Bay. Plowden was quarrelsome, unprincipled, and unkind to his wife. After being confined in Fleet Prison, London, he engaged a number of servants to go with him to Nova Albion. He stopped in Virginia, and in February, 1642, Ann Fletcher a lame maid, and two sisters Jane and Eleanor Stevenson, left his service, came over to Maryland, where, in 1644, Eleanor became the wife of William Brainthwaite, a "loving kinsman of Lord Baltimore." A Maryland councillor also sold one of his servants to Francis Brooke for a wife.

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Among the first sale of negro servants is that made by Richard Bennett, when a Virginia merchant, to Thomas Cornwallis. About the year 1643 he sold two Africans for fifty pounds sterling. From that period black laborers increased. Bennett after this was made Governor of Maryland by Cromwell. He was the nephew of Edward Bennett a London merchant, who had been Deputy Governor of the English traders at Delft, Holland.

While Bennett did not shrink from selling negroes, he sent a letter to Boston, by his brother Philip, asking that some Puritan ministers might be sent to preach the "pure gospel" to the non-conformists in Nansemond county, Virginia. After a few years these dissenters moved to the vicinity of Annapolis, Maryland. Subsequently a grandson of Bennett owned thirteen hundred negro slaves, and lies buried at Bennett's Point, Queen Anne County, Maryland.

The contrast between the pecuniary condition of the Calverts, in 1640, and Thomas Cornwallis was very great. Cecil Calvert, Lord Baltimore, was obliged to depend upon his father-in-law, Lord Arundel, for the subsistence of his wife and children, while his brother Leonard, the Governor of Maryland, had little more than his every day apparel.

Thomas Cornwallis, however, to use his own words: "By God's blessing upon his endeavours, had acquired a settled and comfortable subsistence, having a dwelling house furnished with plate, linen hangings, bedding, brass, pewter, and all manner of household stuff worth at least a thousand pounds, about twenty servants, a hundred cattle, a great stock of swine and goats, some sheep and horses, a new pinnace of about twenty tons besides a shallop and other small boats."

There is an error widely prevalent in Maryland and Virginia that the brick used in the construction of the early buildings was brought from England, which would have been as poor business policy as "carrying coals to New Castle." When the Maryland colonists stopped at the entrance of James River, the Governor Harvey of Virginia tendered them the use of brick made there. Governor Berkeley's house near Jamestown was built of brick burned in the neighborhood. The church at Jamestown, now in ruins, built after 1673, and the magazine also, were built of bricks made in the colony. It is not, then, surprising, in view of the erection of a new mansion not far from the Indian town of Potopaco, on the Potomac, now known as Port Tobacco, that Cornwallis should have contracted with one Cornelius Canada, formerly a servant of Governor Green, for more than fifty thousand well burned bricks.

In the year 1641, Cornwallis visited London, and found its citizens greatly stirred. Charles the First, personally amiable, by a vacillating policy had lost the confidence of the solid men of the city. The Earl of Strafford, the friend of Lord Baltimore, had been impeached for treason, and by the cowardice of the King was executed.

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Cornwallis was not inclined to fanaticism either in politics or religion, but he thought that it was the duty of the King to execute the legislation of Parliament. Lunsford, an outlaw and profligate, but a hater of "round-heads," was now a pet of the King and knighted, but subsequently wandered to Virginia, and a monument to his memory may be seen in the church yard at Williamsburg.

In December Cornwallis had returned to Maryland, in a vessel commanded by a well known captain, Richard Ingle, and the next Spring was in the legislature resisting the arbitrary course of Governor Calvert. After war had been declared between the King and Parliament, Lord Baltimore issued an order for the re-organization of the Province, and sent over new commissions for the councillors, which omitted a clause of the old, "saving my allegiance to the crown of England." In the Assembly of 1652, Cornwallis refused to take the oath of councillor, but performed all the duties of a good citizen, and the next year was made leader of a force against the Susquehanna Indians, and the stockade at Palmer's Island was called Fort Conquest. The writer of "Nova Albion" mentions that Captain Cornwallis, "that noble, right valiant and politic soldier killed with fifty-three of his raw and tired Marylanders twenty nine Indians."

During the summer of 1642, Captain Ingle sailed from the Chesapeake for London, with a valuable cargo, but during a storm his ship sprung a leak, and with torn sails he reached Boston, and after the vessel was repaired proceeded on his voyage, and when he entered the Thames, learned that the King was at Oxford and at war with Parliament. In February, 1643, under a commission from Parliament he appeared in the waters of Accomac County, Virginia, and when the authorities asked him to come ashore he replied he would with his "curtelaxe" and cut off the head of any one who would attempt his arrest. In April, he appeared in the Potomac River, and told some of the settlers that Prince Rupert was "a traitor and a rogue, and if he had him on board of his ship he would whip him at the capstan." There was a good deal of swagger about Ingle, and it is possible that if he were now alive he would not refuse a glass of Accomac peach brandy.

The Provincial authorities were shocked by Ingle's language, and ordered his arrest for treason. While Cornwallis knew that Ingle had not bridled his tongue, yet he was then in sympathy with the opponents of the King, and, to use his own words, "to show his affection to Parliament," found means to free Ingle, his ship and cargo. The acting Governor of Maryland was indignant, arrested Cornwallis, and brought him before the Court, where he was declared guilty, and fined the highest amount allowed by law.

It became expedient for Cornwallis to go to England in Ingle's ship, and he arrived before John Hampden the patriot was mortally wounded while leading his regiment.

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The relatives of Cornwallis were not extreme partisans, although some were in the confidence of the King. In August, 1643, Parliament authorized Richard Ingle in the ship Reformation to cruise in Chesapeake Bay and its tributaries, and Cornwallis entrusted him with goods for trading purposes. In February, 1645, the Reformation appeared at the mouth of St. Inigos Creek, and conspiring with some of the servants of the absent Cornwallis sacked his house. When he came back to London, he charged Cornwallis with being a malignant, as a royalist was called. After a tedious dispute, Ingle made some reparation.

It was not until the year 1652 that Cornwallis came back to Maryland, and displayed his wonted energy and public spirit. While visiting in England, he fell in love with Penelope, the daughter of John Wiseman of Tyrrels in county Essex, and in 1657, when she was twenty-one years of age, she became his wife, and the young bride accompanied him to the wilds of America: but in two years he went back to England and became a merchant in London, and it is probable that the house known as Maryland Point, Essex, now in the suburbs of that city, was built by him on lands leased of Thomas Bland, whose relatives were tobacco planters in Virginia. Advanced in years he retired to the ancestral home in Suffolk, and in 1676 died at Burnham Thorpe. His wife survived him many years, and on the slab at Erwarton Church to which allusion has been made, is the following inscription:

"Here Lyeth the Body of
Penelope Daughter of John
Wiseman Esq^{r}, and wife of
Thomas Cornwallis Esq^{r}
son of William Cornwallis
y^{e} younger, K't. By whom
she had 10 children, 4 sons,
William, Thomas, John, and John,
& 6 daughters Frances, Penelope,
Penelope, Katherine, Penelope,
& Mary. She died Nov^{r} 7th
Anno Dom. 1693
Aged 57."

Her second son, Thomas, was born in July, 1661, and in boyhood went to the Charter House School. After passing through a college course of study, he became a clergyman, and the last forty-five years of his life ministered in the church where the Parkers, the ancestors of his maternal grandfather, had worshipped for many generations. The tourist who now enters Erwarton Church can read the following:

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" Dejicimur non perditus.
Hic jacet sepultus Thomas Cornwallis
Hujus ecclesiæ per annos 45 Rectorfidelis,
* * * qui per uxorem suam Mariam,
filiam Roberti Cock de Wherstead, Generosi,
Mulierorum prudentissimam, cum qua
Connubis per annos 44, amantissime vixit.
Prolem habuit numerosam, quorum omnium
Supersunt filius Gulielmus et filia
Anna, nupta Joanni Gaillard de Ludwig,
Armig. Obiit 11 die Julii
Anno Dom. 1731
Ætati 70
Abi lector, et æmulari."

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MARYLAND IN THE BEGINNING:

A BRIEF SUBMITTED TO THE

HISTORICAL AND POLITICAL SCIENCE ASSOCIATION

OF

JOHNS HOPKINS UNIVERSITY,

BY

EDWARD D. NEILL.

"Truth is the daughter of Time."

"Qui statuit aliquid, parte inaudita altera,
Æquum licet statuerit, haud æquus fuit."

BALTIMORE:
CUSHINGS AND BAILEY,
262 Baltimore Street.
1884.

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TO THE

PRESIDENT, PROFESSORS,

and Graduate Students

OF

JOHNS HOPKINS UNIVERSITY;

Whose researches have thrown light

upon American History,

THIS BRIEF

Is dedicated by One,

Some of whose ancestors, nearly two centuries ago,

were planters, and whose father and wife

were born and educated in

MARYLAND.

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MARYLAND IN THE BEGINNING.

I.

THE MARYLAND CHARTER.

Of all the proprietary grants by James the First, and Charles the First, the charter of Maryland was the only one containing a clause restricting the development of Christianity, by requiring all churches and chapels to be erected in accordance with laws of the Church of England.

The charter of Nova Scotia, in favor of William Alexander, Earl of Stirling, A. D. 1621, mentions his desire "for the propagation of the Christian religion," and as Proprietor "his gift and right of patronage of churches, chapels, and benefices."

The charter of Barbadoes was given in A. D. 1627 to the Earl of Carlisle, who had a laudable and pious design of propagating the Christian religion with the privileges of the Bishop of Durham in the kingdom of England.

The charter of Carolana in A. D. 1629 was sealed to Attorney-General Heath, "excited with a laudable zeal for the propagation of the Christian faith" and with "privileges of the Bishop of Durham."

The charter of Avalon[1] A. D. 1623 granted to Sir

1 Gardiner in his "*Charles the First, from* 1628—1637," erroneously mentions that the charter of Maryland was copied *word for word* from Avalon.

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George Calvert, then principal Secretary of State, has the same language, as those mentioned, as to the desire to propagate Christianity, and also gives the privileges of any Bishop of Durham within the bishoprick or County Palatine of Durham," and "the patronages and advowsons of all churches which, as Christian religion shall increase within the said region, isles, and limits, shall happen to be erected."

The charter of Maryland granted to Cecil Calvert, Baron of Baltimore, and confirmed on the 25th of June, 1632, conferred to the Proprietor the privileges of a Bishop of Durham, and the patronage and advowsons of all churches, but contained a clause not in the others, which reads "together with license and faculty of erecting and founding churches, chapels and places of worship, in convenient and suitable places within the premises, and causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England."

Sir Edward Northey, Attorney General of England, having been asked as to the force of this clause, wrote: "As to the said clause in the grant of the province of Maryland, I am of opinion, the same doth not give him power to do anything contrary to the ecclesiastical laws of England."[1]

A fellow of All Souls College, Oxford, J. A. Doyle in his English Colonies in America, on page 281, of the edition published in 1882 by Henry Holt and Com-

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1 "*Opinions on interesting subjects of public laws, etc., London,* 1784."

Chalmers, the compiler of this volume, educated at Aberdeen, Scotland, came to Maryland and practiced law, but after the Declaration of Independence by the Colonies, he went to London, and was for years a Clerk of the Board of Trade,

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pany, New York, in discussing the Maryland Charter, writes: "It made Baltimore in his proprietary character almost independent of the Crown. The only limitation to this was a clause, requiring that all churches and places of worship should be dedicated according to the ecclesiastical laws of the Church of England. That Baltimore should have accepted this clause is significant, as it quite dispels the idea that he intended his colony as a special refuge for his own sect, a stronghold for persecuted Romanism."

II.

EMBARKATION OF COLONISTS.

George Calvert, the first Lord Baltimore, was not a rich man when he died in A. D. 1632, and after the Charter of Maryland was issued to his son Cecil, the second lord, some time elapsed, before, the latter could obtain the assistance of those who had means, to unite with him in sending out a colony. In a letter of Cecil, Lord Baltimore, to Thomas, Earl of Strafford[1] written on the 10th of January, 1633 (O. S.) from Odiham, he uses this explicit language: "I have, as I said, at last, by the help of some of your Lordship's good friends, and mine, overcome these difficulties, and sent a hopeful colony into Maryland, with a fair and probable expectation of good success, however, without danger of any great

1 "*Letters and dispatches of Thomas, Earl of Stafford,*" Dublin, 1740, Vol. I., p. 178.

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prejudice unto myself,[1] in respect that many others are joined with me in the adventure."

During the month of July, 1633, a ship of about 350 tons burden, called the "Ark of Maryland," with a crew of "about forty men," had been engaged to carry the first colonists.[2] Several weeks elapsed before the emigrants were ready, and after the "Ark" with a pinnace of twenty tons named the "Dove," had fallen down the Thames, a rumor spread that there were some on board who had not taken the oath of allegiance, and on the 19th of October, Coke, the Secretary of State, informed Admiral Penington, "that the Ark, Richard Lowe, Master, carrying men for his new plantation in or about New England, had sailed from Gravesend contrary to orders, the company in charge of Capt. Winters, not having taken the oath of allegiance." In consequence of this information Edward Watkins, the London searcher, was sent after them, and going on board the ship and pinnace, offered the oath of allegiance to about one hundred and twenty-eight persons, some, who had been on board, having forsaken the ships.[3] This was on the 25th of October, and some days elapsed before the ships left.

Lord Baltimore, in the same letter to the Earl of Strafford which has already been quoted, gives the following version of the stoppage of the ship and

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1 As late as February 17, 1639-40 Earl Arundel of Wardour, wrote to Windebank, one of the Secretaries of the King: "My son Baltimore is brought so low with his setting forward the plantations of Maryland, with the claims, lawsuits, and oppressions which he has met with in that business, that I do not see how he could subsist, if I did not give him diet for his wife, children, and servants," "*Cal. State Papers.*"

2 For order of the Privy Council relative to this vessel, see Neill's "*Founders of Maryland*," Munsell, Albany, 1876, page 59.

3 The report of Watkins is published in "*Founders of Maryland*," page 61.

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pinnace. He writes: "After many difficulties since your Lordship's departure from hence, in the proceedings of my plantation wherein I felt your Lordship's absence, I have at last sent away my ships, and have deferred my own going till another time; and indeed, my Lord, it is not one of the least reasons of my stay at this time, the great desire I had to wait for your Lordship in that kingdom [Ireland], which I must confess my own affections importuned me to, when you went from hence, and I should have done it, had I been at liberty, but as I said, my Lord, my ships are gone, after having been in so many ways troubled by my adversaries, after they had endeavored to overthrow my business at the Council-board, after they had informed by several means, some of the Lords of the Council that I intended to carry over nuns into Spain, and soldiers to serve that King, which I believe your Lordship will laugh at as well as they did, after they had gotten the Attorney General to make an information in the Star Chamber that my ships were departed from Gravesend without any cockets from the custom-house, and in contempt of all authority, my people abusing the King's officers and refusing to take the oath of allegiance, whereupon their Lordships sent present orders to several captains of the King's ships who lay in the Downs, to search for my ships in the river, and to follow them into the narrow seas if they were gone out, and to bring them back to Gravesend, which they did, and all this done before I knew anything of it, but imagined that my ships were all well advanced on their voyage. But, not to trouble your Lord-

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ship with too many circumstances, I, as soon as I had notice of it, made it plainly appear unto their Lordships that the Attorney was abused and ill-informed, and that there was not any just cause of complaint in any of the former accusations, and that every one of them were most notoriously and maliciously false; whereupon they were pleased to restore my ships to their former liberty."

It was not, however, notoriously and maliciously false that he had made arrangements to put on board those who could not take the oath of allegiance.

As soon as he obtained the grant of Maryland he had secretly provided for sending Jesuits into the colony. Henry More, Vice Provincial of the Jesuits writes: "The said Baron [Baltimore] immediately treated with Father Richard Blount, at that time Provincial, at the same time writing to Father General, earnestly begging that he would select certain Fathers as well for confirming the Catholics in their faith, and converting the heretics who were destined to colonize that country, as also for propagating the faith amongst infidel savages." The Jesuit Fathers are supposed to have joined the ships at the Isle of Wight.[1]

In the "Relation of the Lord Baltimore's Plantation," issued by the Proprietor in 1635, there is a most excellent statement as to the beginning of the Province in the following language: "His Most Excellent Majesty having by his letters patent under the great seale of England granted a certain country in America, now called Maryland, in honor

[1] "Records of the English Province of Jesuits," by Henry Foley, S. J., Vol. 3.

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of our gratious Queen, unto the Lord Baltimore, with divers privileges and encouragements to those that should adventure with his Lordship in the Plantation of that country; the benefits and honors of such an action was readily apprehended by divers gentlemen of good birth and qualitie, who thereupon resolved to adventure their persons and a good part of their fortunes with his Lordship in the pursuit of so noble, and in all likelihood so advantageous, an enterprize. The Lord was at first resolved to go in person, but more important reasons persuading his stay at home[1], he appointed his brother, Mr. Leonard Calvert, to go as Governor in his stead, with whom he joined in commission Mr. Jerome Hawley and Mr. Thomas Cornwallis, two worthy and able gentlemen.

"These, with the other gentlemen adventurers and their servants to the number of near 200 people,[2] embarked themselves for the voyage in the good ship called the Ark of 300 tunne and upward, which was attended by his Lordship's pinnace called the Dove of about 50 tunne."

On Friday, the 22d of November, 1633, the expedition sailed from the Isle of Wight.

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1 Cardinal Manning in reply to Gladstone makes the following inaccurate statements: "Lord Baltimore, who had been Secretary of State under James I., in 1633, emigrated to the American plantations."

2 Near two hundred people is a correct statement. In a hurried letter to the Earl of Strafford, Baltimore makes the number three hundred.

In an elaborate essay published in 1883, by the Maryland Historical Society, on "The Foundation of Maryland," by Bradley T. Johnson, it is assumed that only one hundred and twenty-eight colonists left the Thames, because one month before they sailed from the Isle of Wight, there happened to be one hundred and twenty-eight on board at Gravesend. After October 25th, 1633, when the oath of allegiance was administered, it was possible for others to have come on board before the vessel went to sea. It is also assumed that the remainder of the near two hundred came on board at the Isle of Wight. For this statement I can find no proof. Lord Baltimore writes that two of his brothers "with very near twenty other gentlemen of very good fashion," were in the first expedition. Mr. Johnson makes the gentlemen twenty, besides Leonard Calvert, Cornwallis and Hawley, in all twenty-three, including the three Jesuits. There were, in fact, when the expedition sailed from the Isle of Wight, but twenty in all. One of these, Fairfax, and perhaps others, died on the voyage.

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III.

FAITH OF THE COLONISTS.

More than three-fourths of the colonists were not in sympathy with the Church of Rome, and the gentlemen of most influence in the early Maryland settlement were all decided adherents to the Church of England. The Jesuit Fathers are emphatic on this point. In a communication supposed to have been written by Father White to his Superior, the opening sentence is in these words: "In a country like this, newly planted, and depending wholly upon England for its subsistence, where there is not, nor can be, until England is re-united to the Church, any ecclesiastical discipline established by laws of the Province, or granted by the Prince, nor Provincial Synod held, nor Spiritual Courts created, nor the canon laws accepted, nor ordinary or other ecclesiastical persons admitted as such, *nor the Catholic Religion* publicly allowed. And whereas three parts of four, at least, are heretics, I desire to be resolved."

In the important Assembly which met on the 25th of January, 1637, O. S., there were only a few adherents of the Church of Rome. Father More in a memorial laid before the Sacred Congregation for the Propagation of the Faith, writes: "For since the said Baron was unable to govern Maryland in person he appointed as his substitute a certain Mr. Lewger[1] his Secretary, who was formerly a minister

1 Lewger was a college friend at Oxford of Lord Baltimore. A notice of him will be found in "Terra Mariæ." J. B. Lippincott & Co., Philadelphia, 1867. Also in "English Colonization of America." Strahan & Co., London, 1871, and "Founders of Maryland." Joel Munsell, Albany, 1876.

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and preacher, and being converted to the faith, retained yet much of the leaven of heresy, for he still maintained those dogmas so justly offensive to Catholic ears, that no external jurisdiction was given by God to the Supreme Pontiff, but merely an internal one, in foro conscientiæ."

After specifying some other propositions advanced by Mr. Lewger, Father More used this language: "Therefore this Secretary having summoned the Parliament in Maryland, composed with few exceptions of heretics, and presided over by himself[1], in the name of the Lord Baltimore himself, he attempted to pass * * * laws repugnant to the Catholic faith and Ecclesiastical immunities."[2]

Gerard, a young man of twenty years of age, whose family in England sympathized with the Church of Rome, in about twelve months returned home.[3] The young brothers of Sir John Winter lived but two or three years. Every one of the original twenty, except the three Jesuits, of whom we know anything, who had intelligence and force of character and settled in the Province was not a Roman Catholic. Father More writes to the

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1 Lewger was the first Secretary of the Province, and received all papers. As Governor Calvert was obliged to be absent during a portion of the session he issued a commission of which the following is an extract: "I have authorized and deputed and do hereby appoint, authorize and depute Mr. John Lewger, Secretary, in my name and place, to hold and continue the said Assembly at the day appointed and give service for me; also to adjourn and dismiss the Assembly."

2 "Records of the English Province of the Society of Jesus," Vol. 3. p. 362. See also an article "Light upon the Early History of Maryland," Pennsylvania Historical Society Magazine, Vol. 5, 1881. page 51.

3 Richard, brother of Sir William Gerard Bt., in 1635, returned to England, raised a company of foot, and went into the service of Spain in the low countries. He visited Queen Henrietta Maria, of England, at the Hague, who commissioned him as Lt.-Colonel during the civil war to raise troops He then joined Charles the First at Oxford, and in the attack of Burton on Trent, was severely wounded. He went with the King to Hurst Castle, and bore his last message to the Queen. After the restoration he became cup-bearer to the Queen Mother, and died at Ince, Sept. 5, 1686.

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Propaganda at Rome, in a Memorial, which is in the third volume of the Records of the English Jesuits, edited by Foley, that the Jesuits in Maryland cannot expect "sustenance from heretics hostile to the faith, nor from the Catholics, *who are for the most part poor.*" And yet Mr. Bradley T. Johnson, in his paper on the "Foundation of Maryland," published by the Maryland Historical Society, makes the following statement:

"The first colony was numerically Protestant; politically, socially, and religiously it was Roman Catholic.[1] The physical power was Protestant; the intellectual and moral and political control was Roman Catholic."

IV.

ARRIVAL IN MARYLAND.

Governor Calvert was kindly received at Point Comfort by Governor Harvey, of Virginia, and he offered him "as much brick and tiles as he should have occasion to employ until he made his own."[2]

Captain Newport in A. D. 1607, at an island at the foot of the Falls of the James River planted a cross, and took possession of Virginia in the name of King James, and on March 25th, 1634, upon Saint Clement's island in the Potomac River, Gov-

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1 Scharf in his History of Maryland writes as if he had not seen the Jesuit statement as to the overwhelming majority of Protestants in the first Colony, and also that of the Bishop of London in 1676: "Those of the Romish belief who, 'tis conjectured, do not amount to one of a hundred of the people"

2 Many old houses in Maryland and Virginia are erroneously supposed to have been built of brick brought from England.

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ernor Calvert planted a cross. "The Relation of Maryland" published[1] in 1634, thus describes the ceremony: "We all kneeled down and said certain prayers, taking possession of the country for our Saviour, and the King of England." Father White gives a fuller account.

Leaving the "Ark" at the island, Governor Calvert in the pinnace "Dove," ascended the river as far as the Indian village "Paschatoway." After a brief visit he returned, and then he went to a tributary of the Potomac which was called Saint George, and the colonists went up this stream "about four leagues." Captain Henry Fleet, a Protestant of Virginia, "a man especially acceptable to the savages, well versed in their language, and acquainted with the country, pointed out to the Governor a spot so charming in its situation that Europe itself can scarcely show one to surpass it," which was the Indian village of Yoacomoco, and here Calvert and party located and named the place Saint Mary.

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1 The first work on the Province of Maryland had this title: "A relation of the successful beginnings of the Lord Baltimore's Plantation in Mary Land Being an extract of Certain Letters written from thence, and by some of The Adventurers to Their Friends in England.

Anno Domini 1634."

This little book was reprinted by Joel Munsell, Albany, in 1865.

The next year another book appeared, called:

A
RELATION
of
Maryland,
Together
With { A Map of the Country,
The Conditions of Plantations,
His Majestie's Charter to
the Lord Baltimore,
Translated in English.

These bookes are to be had at Master William Peasley, Esq., his house on the back side of Drury Lane, neere the Cock Pit Playhouse; or in his absence. at Master John Morgan's house in High Holborne, over against the Dolphin, London.

September the 8, Anno Dom. 1635."

This was reprinted by Joseph Sabin, New York, in 1865.

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V.

THE FIRST COMMISSIONERS.

THOMAS CORNWALLIS.

Lord Baltimore prudently associated Thomas Cornwallis and Jerome Hawley with his brother Leonard Calvert in the first government of the Province. Governor Calvert never exhibited any executive ability. George Evelyn, who knew the family, once said: "What was Leonard Calvert himself at school but a dunce and blockhead; and now it has come to this, that such a fellow must be Governor of a Province and assumes such lordly airs."[1] Obstinacy in public affairs, want of thrift, and subserviency to the strong minded Margaret Brent, did not add to his popularity. His nuncupative will as recorded at Annapolis, betrays poverty of mind and poverty in this world's goods.[2] Without the presence of Thomas Cornwallis there would have been great confusion in public affairs, and the colony might have failed. He was the foremost man in "intellectual and moral and political" matters.

His ancestors for many generations had occupied positions of distinction in England.[3] His grand-

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1 Streeter's "First Commander of Kent Island," page 6.

2 An abstract is in "Founders of Maryland," page 66. He leaves his cloth suit of clothes to Richard Willam,a servant,his black suit to another servant,James Lindsay. To Margaret Brent he said: "I make you my sole executor. Take all and pay all."

3 In the days of Richard the Second, an ancestor, Thomas Cornwallis, was a merchant in London His great-grandson, Sir Thomas, was recalled before the taking of Calais, and in Queen Mary's time built Brome Hall in Suffolk. The following pasquinades appeared in his time.

"Who built Brome Hall? Sir Thomas Cornwallis.
How did he build it? By selling of Calais "

Another was:

"Sir Thomas Cornwallis what got you for Calais?
Brome Hall, Brome Hall as large as a palace."

Sheriff Thomas Cornwallis of London, A. D 1378, was also an ancestor of Lord Cornwallis who surrendered at Yorktown. See Correspondence of Marquis Cornwallis, Vol. 1, London, 1869.

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father Sir Charles Cornwallis, the second son of Sir Thomas Cornwallis, Kt., Comptroller of the Household of Queen Mary, was knighted by James the First, and in A. D. 1603, sent as Ambassador to Spain. A Jesuit Father in a letter preserved in the "Records of the English Province of the Society of Jesus," writes of "Sir William Cornwallis who married the daughter of Baron Latimer,[1] and his brother Charles, who are not Catholics."

Upon his return from Spain, Sir Charles was made Treasurer of the Household of Prince Henry, and subsequently wrote a book which was published in 1641, with the title "The Life and Death of Henry, Prince of Wales."

The father of the Maryland Commissioner,[2] Sir William Cornwallis, Knight, of Brome, Suffolk, was distinguished for his virtues and talents, and for his literary essays.

When Cornwallis embarked for America, he was about thirty-three years of age, and his partner in business, John Saunders, was a fellow passenger, who died soon after his arrival in Maryland.

In defending the Province from the aggressions of Virginia traders and the incursions of the savages he was always the leader, and a publication of that period[4] described him as "that noble, right

1 His wife Lucy was the third daughter of John Neville, Lord Latimer, *Visitation of Nottinghamshire.*"

2 His mother was Catherine, the daughter of Sir Philip Parker, of Erwarton, Suffolk. His uncle Thomas married Anna, daughter of Samuel Bevercott, the predecessor of William Brewster, the leader of the Plymouth Colony as Postmaster at Scrooby

3 Sir William Cornwallis, the younger, was the author of the following works:
"Essays," London 1600.
"Discourses upon Seneca, the tragedian," 1601.
"Union of England and Scotland," 1604
"Essays upon Sadness and Julian the Apostate," 1616.
"Praise of King Richard," 1617.

4 Nova Albion.

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valiant, and politic soldier." In commercial affairs he was at the head and was recognized as the wealthiest man in the settlement. In an assessment of taxables of St. Mary in 1641, for 806 pounds of tobacco, the amount levied upon him was one-fourth, 200 pounds, and the next largest levy was for 50 pounds. Among the unprinted records of Maryland there is this description of his surroundings in his own language: "By God's blessing upon his endeavors he had acquired a settled and comfortable subsistence, having a comfortable dwelling-house furnished with plate, fine hangings, bedding, brass, pewter, and all manner of household stuff, worth altogether a thousand pounds, about twenty servants, at least a hundred head of cattle, a great stock of swine and goats, some sheep and horses, a new pinnace about twenty tons, well rigged and fitted, besides a new shallop and other small boats."[1]

In the legislature he was ever watchful that there was no encroachment upon the liberties granted by Magna Charta, by the Proprietor or his representative, Leonard Calvert, the Governor of the Province.

The first legislature of whose proceedings we have any record is that which assembled in January, 1637, O. S., 1638 N. S., and in this Cornwallis was the master spirit. While Governor Calvert ever narrow and impolitic declared that the Assembly had no power to frame laws, the members proceeded to appoint a committee of five on legislation. Cornwallis received fifty-four votes, and George

1 Johnson's ' Foundation of Maryland,' page 168.

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Evelyn forty-eight votes, while Governor Calvert had only thirty-eight. From the proceedings of the Assembly, the following is taken. "On the 8th day of February between two and three o'clock in the afternoon, the House "being sat" the President [Calvert] declared that he thought it fit to adjourn the house for a longer time, till the laws which they would propound to the Lord Proprietor were made ready.

"Captain Cornwaleys replied they could not spend their time in any business better than this, for the country's good, and one of the planters demanded the reason, why it should be adjourned, and said they were willing to leave the other business to attend to it."

The President replied he would be accountable to no man for adjourning it. After a committee of three was appointed on motion of Cornwallis, consisting of Evelyn, himself, and Governor Calvert, there was an adjournment until the 26th of the month. When that day arrived, the Assembly was adjourned to the 6th of March, and then again until the 12th, when the session was resumed, and twenty bills prepared by the Committee were read for the first time. The next day fourteen other bills had their first reading. Among the bills passed, during this month, was a Bill creating General Assemblies, which provided that "The Lieutenant General and Secretary, or his Deputy, and gentlemen summoned by special writ, and near two burgesses out of every hundred, at the choice of the freemen, at any time hereafter assembled, shall be judged a General Assembly."[1]

1 Gov. Sharpe in "American Magazine" of 1758, p. 265.

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Doyle commenting upon the proceedings of this Assembly writes[1]: "Apart from the intrinsic merits or demerits of the proposed laws, it was clearly a most serious question whether the initiative in legislation was to belong to the Proprietor or the colonists. The division which followed illustrated forcibly the evils of the proxy system. The acts intended by the Proprietors were rejected by thirty-seven votes to eighteen. Doubtless there were proxies on both sides, but in the minority twelve of them were in two hands those of the Governor, and of Counsellor Sawyer [Lewger] who had been lately associated with Hawley and Cornwallis. No better illustration could have been found of the progress of the liberty of the colony involved in its anomalous system. * * * * * Baltimore's motives throughout the whole of these affairs, as indeed throughout his career, are hard to be understood. He seemed first to have asserted a claim to holding practically almost absolute power, then, without any apparent reasons, to have abandoned this position, and in a temperate letter empowered his brother as Governor to assent to such laws as should be concerted with and approved of by the freemen and their deputies." This assent was subsequently to be ratified by the Proprietor himself.

Under the call of the Governor a new Assembly convened on the 25th February, 163$\frac{8}{9}$ and the first Maryland code was enacted by it, and approved by Lord Baltimore.

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1 Doyle, page 289.

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From the days of the obtaining of the Magna Charta, it had been the custom of Parliament upon the inauguration of a new government to declare at the outset that Holy Church shall have her liberties. Upon the accession of Edward the First to the throne, it was enacted A. D. 1297, that "the Church of England shall be free and shall have all her rights and liberties inviolable." When the second Edward assumed the reins of government, it was enacted, A. D. 1311, "That the Holy Church should have all her franchises in such sort as she ought to have." When the third Edward came into power the Parliament of A. D. 1340, declared that "Holy Church shall have her liberties and quietness." As soon as second Richard entered upon his reign it was again declared that "Holy Church shall have and enjoy all her liberties, wholly and without blemish." In A. D. 1399, when Henry the Fourth had succeeded to the throne, it was enacted that Holy Church should have "her rights entirely and without imblemishing." So the same language is used at the beginning of successive reigns.

In the Acts passed by the Parliaments in the time of Henry the Eighth, the Holy Church is distinguished from what is called in the statutes "the See of Rome." The laws in the time of King James make a distinction between the "religion established in this realm," and "the pretended authority of the See of Rome." Cornwallis the guiding mind of Maryland, was descended from statesmen, and his father's house when he was a youth had been frequented by scholars, and when a code, in 1638–9,

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was to be framed for the Province of Maryland, he would naturally insist upon venerable precedents, and with his fellow members declare that "Holy Church within this Province shall have all her rights and liberties," having in mind the Church alluded to in the Charter, the Church of England, by whose forms all churches and chapels are to be dedicated to public worship.[1]

As the differences increased between Charles the First and Parliament, party lines began to be clearly drawn between the Proprietor and the people of the Province. Governor Calvert sympathized with the King, and Cornwallis with the Parliament party. During the year 1640 the latter visited England, and in December, 1641, returned in a ship commanded by Captain Richard Ingle with whom he was, at that time, on friendly terms.

By order of the Lord Baltimore, there was a reorganization of the Maryland government in 1642, and Cornwallis was named as Councillor, but when on the 16th day of September, the commission was tendered "he absolutely refused to be in commission or to take the oath" probably because it omitted the clause of the old form, "saving, my allegiance to the Crown of England."

In October, 1643, Charles the First, then at Oxford, gave to Governor Calvert, then in England, a letter of marque to seize upon all ships belonging to London. Late in that year Captain Richard Ingle, of

1 It is quite remarkable that the scholarly Gardiner in "*History of Charles the First*, 1628 *to* 1637" should state that the term Holy Church was never applied to the Church of England. In the writ for burning Legate in A. D. 1622, King James calls the Church of England the "Holy Mother Church" and also uses these words: "Now therefore as a zealot of justice and a defendant of the Catholic faith and willing to maintain and defend the Holy Church and the rights and liberties of the same."

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London, with a commission from Parliament, arrived in Maryland waters, and for words spoken about the King, in discussion concerning his differences with Parliament, he was arrested, in the absence of Calvert, by Deputy Governor Brent, for treason, and his goods and ships seized.

Cornwallis out of affection for Parliament found means to free Ingle and restore to him his ship and goods. For this manifestation of sympathy he was fined and "paid the highest sum that could be laid upon him," and then embarked with Ingle for England.[1]

In August, 1644, Parliament commissioned the Reformation, Captain Ingle, to cruise in the Chesapeake Bay and its tributaries, and Cornwallis who was still in England entrusted him with goods to the value of two hundred pounds.

In February, 1645, Ingle appeared at the mouth of St. Inigo's Creek, Maryland, and there was a general uprising in favor of Parliament by the servants of the absent Cornwallis, and Ingle allowed his house to be plundered of plate and furniture to the amount of £1000, and cattle, a shallop and pinnace, worth twice as much more was seized.[2]

Governor Calvert was obliged to flee into Virginia, and the Jesuit Fathers, White and Fisher, were brought to England, as prisoners, by Ingle. To shelter himself from the common law and hold the goods, Ingle reported Cornwallis as an enemy of the Commonwealth. After a full examination, Cornwallis was allowed a commission for the examina-

1 Proceedings of House of Lords in 6th Report of *Parliament Historical Commission*.
2 See Maryland MSS.

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tion of witnesses in Maryland, and to prevent this, Ingle caused him to be arrested and imprisoned upon two feigned oaths, but Cornwallis was soon released by his friends. By false allegations, Ingle now obtained an order to stop proceedings at law, till matters mentioned in his petition were determined. Cornwallis[1] after attending the House of Lords for several days, with counsel on the 24th of February, 1645-6 asked "that the case might be speedily heard by them, or else that he might be left at liberty to try his action at law." The case dragged its slow length along for several months, but in September, 1647, the matter was compromised by Ingle appointing Cornwallis his attorney to attach certain moneys due in Virginia and Maryland, which were to be applied to the settlement of the claim of the latter.

For eight years Cornwallis attended to business in England, and in 1652 returned to Maryland, now under control of the friends of Parliament, to demand compensation for injuries done to his property. In a Memorial to the Assembly he used these words: "It is well known, he hath at his great cost and charges, from the first planting of this Province for the space of twenty-eight years, been one of the greatest propagators and increasers thereof, by the yearly transportation of servants, whereof divers have been of very good rank and quality, towards whom and the rest he hath always been so careful to discharge a good conscience, in the true performance of his promise and obligations, that he was

1 Streeter in "Maryland Papers," page 190, erroneously writes: "I infer therefore that during this period he was engaged in improving his plantation in St. Mary County, still known as Cornwaleys' Neck."

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never taxed with any breach thereof, though it is also well known, and he doth truly own it, that the charge of so great a family as he hath always maintained was never defrayed by their labor."[1]

This year he made a contract with Cornelius Canada, brickmaker, and former servant of Governor Green, to deliver thirty-six thousand sound, well-burned bricks before a certain day in June, 1653, and another twenty-four thousand before the 24th of June, 1654. In the year 1654 he again visited England, and was married about 1657 to Penelope, a daughter of John Wiseman, of Middle Temple, and Tyrrel's in County Essex. In 1658, with his young wife, he paid a visit to Maryland, but early in 1659 he left never to return. His affairs in the Province were entrusted to an attorney, and he began to be designated as a "merchant of London." As age advanced he retired to Burnham Thorpe. His will is dated January 2d, 1675–6 and was proved on the 4th of the next March. He left four sons and two daughters, and his second son, Thomas, born in 1662, was a clergyman of the Church of England.[2]

COMMISSIONER JEROME HAWLEY.

Commissioner Jerome Hawley resided but a short time in the Province. He belonged to a family that had long been connected with the Parish of Brentford in County Middlesex, England. In the time of Queen Elizabeth a Jerome Hawley had a freehold there, and James the First granted the profits of a

1 Maryland MSS. quoted in "*Founders of Maryland*," Munsell, 1876.
2 "*Founders of Maryland*," page 81.

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market there,[1] to James Hawley, whose privilege was afterwards sold to one Sanders, who in 1638 died.[2]

The Commissioner had three brothers, James,[3] Henry and William. Henry was long identified with the colonization of the Western continent. As early as 1628 he visited the Barbadoes of which the Puritan Earl of Warwick was Proprietor, and in 1629 succeeded Sir William Tufton as Goverror. In 1632 he caused Tufton to be shot, and was recalled home, and was in England when the Calvert expedition sailed, and he returned to Barbadoes in less than two weeks after it settled at Saint Mary.

He frequently visited England after this, and during his absence in 1639 his brother William acted as Governor. He lived until after the restoration of Charles the Second, and in 1666 was one of the Council of Barbadoes. William Hawley some time after 1640, came to Maryland, and was in1650, one of the signers of the Protestant Declaration.

Jerome Hawley, the Commissioner, had been a sewer, or superintendent of meals of Queen Henrietta Maria. After living in Maryland about a year he returned to England, and in June, 1635, was in London and wrote to Secretary Windebank that he would go to court with him on the next Sunday. On the 11th of December, he was before the Privy Council, at which Archbishop Laud was present, and to the question whether he had ever said that it was de-

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1 Lyson's "*London and Environs.*"
2 Perhaps the partner of Cornwallis.
3 James resided at Brentford. Over the north gallery of St. Lawrence Church there is a monument to James Hawley, who died in 1667. Lyson.

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signed "to plant in Maryland the Romish religion" he "utterly denied."[1]

On the 29th of February, 1635–6, a warrant was issued loaning the "Black George," a government vessel, to Hawley, and Governor Harvey of Virginia, they to provide the crew and pay the wages. There were many delays in loading the ship, and on the 9th of August Lord Wimbledon, from Portsmouth, wrote to Secretary Windebank that Governor Harvey was still in London and he was "sorry to see so many persons on a journey of such charge, and spending their victuals and money so unnecessarily, for they have been here a month." And he added that he "did not wonder that such journeys of our nation did not prosper." The "Black George" was yet in port on the 11th of November, and Hawley objected to the disturbance of his goods in the hold in order that there might be a search for a leak. The leakage continued to increase so that the vessel at last had to be abandoned, and Harvey, Hawley and their associates were obliged to pay and discharge the crew.

During the winter of 1637, Hawley remained in England, and the King was induced to appoint him[2] to the office of Treasurer of Virginia, which had been vacant since the dissolution of the Virginia Company, and Governor Harvey was instructed to see that he took the oath of allegiance. He sailed in the ship Friendship, and took some toils to catch

1 "*Cal. State Papers, Dom. Series*"

2 About the same time, Gabriel Hawley, who might have been a brother, and the same Gabriel who petitioned the East India Company in 1624 to be employed as steward's mate on the "Eagle" and the person who superintended the shipping of the Maryland colonists in 1633, was appointed Surveyor General of Virginia, and soon died.

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deer[1] which he had promised to send to the King.

Arriving in Virginia "late in the year" of 1637 O. S. early in 1638 N. S., he entered upon the duties of his office. Soon after, in the month of February, 1638, although a councilor of Virginia, he visited Maryland, and one day sat as a member of the Assembly. A citizen of Jamestown wrote to his brother, a clerk of Secretary Windebank under date of the 26th of February, 1637-38, "Mr Hawley has not proven the man he took him for, having neither given satisfaction for money received of him, nor brought him any servants," and that he was then on a visit to Maryland.[2] A letter of Hawley written on the 8th of May 1638 is extant[3] relative to the arrival of ships from Sweden at Jamestown. During the month of August, this year, he died, and Cornwallis, his fellow Maryland Commissioner, was the administrator of his estate.

VI.

LEADING MEN IN THE BEGINNING.

JUSTINIAN SNOW.

Justinian Snow came to Maryland with Governor Calvert, in the responsible position of commercial agent for Lord Baltimore, and in 1639 died. In the Relation of Father White is the narrative of an Indian chief, Tayac, who said "That his father,

1 The deer were snared, and four placed upon Capt. Jerry Blackman's ship, in wooden cages, but they died before reaching England. "*Sainsbury Calendar.*"
2 "*Sainsbury Calendar Colonial.*"
3 Hawley's letter in "*N. Y. Col. Documents,*" Vol. III.

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deceased some time before, appeared to be present before his eyes, accompanied by a god of a black color, whom he worshipped, beseeching him that he would not desert him. At a short distance, a hideous demon, with a certain Snow, an obstinate heretic from England, and at length, in another part, the Governor of the Colony and Father White appeared, a God also being his companion, but much more beautiful, who excelled the unstained snow in whiteness, seeming gently to beckon the King to him. From that time, he treated both the Governor and Father with the greatest affection."

Snow's brother, Marmaduke, followed him to the Province, and was with him, in 1638, a member of the Assembly. Another brother, Abel, was clerk in the Chancery Office, London. His sister, Susanna, was the wife of Surgeon Thomas Gerard, whose name often appears in the Maryland Records.

HENRY FLEET.

Henry, Fleet years before the charter of Maryland was granted, traded with the Indians of the Potomac River.

In the Fall of 1621 the ship Warwick and pinnace Tiger, sailed from the Thames with supplies, and thirty-eight young women selected with care, as wives for Virginia planters. The Tiger afterward went with twenty-one men up the Potomac to trade with the Indians for corn, and in 1622 erected a stockade at Potomac Creek. While among the Anacostans, who lived on or near the site of the city of Washington, on the 23d day of March, 1623, they

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were attacked, and Fleet and others captured.[1] After living with the Indians about four years he returned to England,[2] and was engaged by William Clobery of London in September 1629, to sail in the ship Paramour. On the 4th of July, 1631, he again left London in the ship Warwick owned by Griffith and Company, as their factor. Toward the last of October he was in Yoacomoco where he had lived with the Indians, purchasing corn, which he carried to NewEngland. Winthrop in his journal under March 24, 1631–2, writes: "The bark Warwick arrived at Natescua, having been at Piscataquack and Salem to sell corn which is brought from Virginia," and under date of April 9, 1632 he makes this entry: "The bark Warwick and Mr. Maverick's pinnace went out toward Virginia."

On the 13th of May, 1632, Capt. Fleet[3] arrived at Captain William Clayborne's in Accomac, where he stayed three days, and then accompanied by Clayborne crossed the Chesapeake. After visiting Yoacomoco, he sailed up the Potomac to the Indian village, in what is now Strafford County, Virginia, and on the 1st of June sent back the pinnace of twenty tons with a cargo of corn, and on the 27th he was anchored near the great Falls of the Potomac. After this he formed a partnership for trading with Governor Harvey of Virginia, and through him, he made the acquaintance of Governor Calvert and selected a site for his colony. Six weeks after

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1 Letter of Edward Hill to his brother John Hill, mercer in Lumber [Lombard] Street. Appendix to Eighth Report "*Hist. Commission.*" p. 41

2 See a notice of Fleet in "*Founders of Maryland,*" pp 9-18, and his journal of a voyage in the "Warwick." pp. 19-37 Some writers, following a typographical error in a caption of the "*Founders of Maryland,*" call the vessel "Virginia."

3 In the Henry Holt and Company edition of Doyle, Henry Fleet is called Henry Clay, probably a typographical error.

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the town of Saint Mary was named, on the 9th of May, 1634, there was assigned to Fleet two thousand acres on St. George's River, St. George's Hundred, subsequently known as the Manor of West Saint Mary.

He was a member of the Assembly in 1638, as was his brother Edward who accompanied him in 1631 to the Falls of the Potomac, and also two other brothers, John, and Reynold or Rainold. When the troubles growing out of the civil war in England began, Fleet moved to Virginia, and in December, 1652, he was a member of the Virginia Legislature, and in 1654 was appointed interpreter for a proposed expedition against the Indians. Fleet's Point, which appears on the U. S. Coast Survey Map of 1860, between the 37th and 38th degrees of latitude, probably indicates where he once dwelt. In 1665 Captain Fleet's house was a stopping place for travellers, and for improper conduct there, a Mr. Carline and a woman servant from Maryland were tried by the Rappahanock Court, and the former was fined, and the latter was ordered to have thirty lashes.[1]

GEORGE EVELYN.

Robert Evelyn, of Godstone, on the 18th of March, 1590, at St. Peter's, Tower Hill, London, married Susanna, daughter of Gregory Young, of London, who was about twenty years of age. Their son George was born, in London, on the 31st of January, 1582–3, and on the 24th of October, 1620, entered as a student at Middle

1 See Hanson's "*Kent County, Maryland.*"

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Temple, and afterward married Jane, daughter of Richard Crane, of Dorset. His brother, Robert,[1] with his uncle, Capt. Thomas Young, in the summer of 1634, explored the Delaware River as far as the falls. In December, 1634, Robert sailed for England, bearing letters from Governor Harvey, of Virginia, and did not return until about the year 1637, having been appointed Surveyor General ot Virginia, in the place of Gabriel Hawley, deceased.

His brother, George, about this time arrived at Kent Island as the agent of a firm of London merchants. At first he slightingly spoke of Governor Calvert and asked these questions: "Who was his grand father but a grazier? What was his father? What was Leonard Calvert himself at school but a dunce and blockhead?" But soon he became a supporter of Lord Baltimore, and an opponent of Clayborne, for whom he had professed friendship, and by a power of attorney from the London firm took possession of their property, which had been held by Clayborne.

After the avowal of friendship to the Proprietary he was commissioned in November, 1637 as " The first commander of Kent Island," and was a prominent member of the Assembly which convened on the following January. At Piney Point on the Potomac he obtained a grant of three hundred acres called the "Manor of Evelinton," and on April 3, 1638, entered lands for Daniel Wickliff, Randall Revell, Thomas Hebdan and other persons.[2] The next month

1 His father, also Robert, is said in the "*Evelyns of America*," to have visited Virginia, before A D 1610, and to have subscribed seventeen pounds as an Adventurer of the Virginia Company, of London.

2 "*Founders of Maryland*," p 51.

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he assigned all interest[1] in the Manor "to his dear brother Robert Evelyn," and went to Virginia and from thence to England.

His cousin John Evelyn, the author of "Sylva" in his Diary under date of 26th of February 1649, writes: "Come to see me, Captain George Evelyn my kinsman, the great traveller and one who believed himself a better architect than really he was, witness the portico in the garden at Wotton; yet the great room at Albury is somewhat better understood. He had a large mind but he overbuilt everything." Under the date of 8th of June, 1653, is this entry: "Came my brother George, Capt. Evelyn the greate traveller," and some others whose names we omit.[2]

In 1653 Captain George Evelyn furnished a design for a Doric portico which was built in front of the hill at Wotton. In the central niche was a stone statue of Venus holding a dolphin out of whose mouth ran water, which still exists in a good state of preservation.[3]

In 1649 George Evelyn purchased lands in James City County, Virginia, which on the 28th of April, 1650, he gave to his second son Mountjoy. The wife of Col. Daniel Parke, the ancestor of late G. W. Parke Custis, of Arlington, Va., was a Miss Evelyn, and his daughter Lucy married Col. William Byrd, and part of the Byrd estate at Westover, on the James River, Va., was called Evelington.[4]

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1 Streeter's "*First Commander of Kent Island*," p 43.
2 "*Evelyn's Diary*," Bohn Edition, 1863, vol. I, pp. 257-298.
3 Scull's "*Evelyns in America*," p. 357.
4 Scull, p. 3.

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VII.

BALTIMORE'S DISPUTE WITH JESUIT MISSIONARIES.

The Jesuit missionaries, in disregard of the common law of England,[1] and without consulting the Proprietor of the Province, had obtained lands from the Indians, and also under the terms of the Proprietary law entered thousands of acres for the use of the Society of Jesus. Lord Baltimore saw that if this course was to continue he would incur the displeasure of England, and perhaps have his charter revoked. He therefore appointed John Lewger, his college friend, once a clergyman of the Church of England but at that time a Roman Catholic, Secretary of the Province, with instructions to correct the abuses of the Jesuit Fathers.

Upon his arrival in Maryland Lewger made known the wishes of Lord Baltimore, and "insisted that all grants of the land should be vacated, whether from the Indians or from the Proprietary, to Thomas Copley, who held the land for the use of the Society." He also had laws passed asserting the supremacy of the General Assembly in matters temporal, and the regulation of marriage. The Fathers resisted the Proprietor, and wrote to Father Henry More, who immediately appealed to the Propaganda, and in his Memorial to the Cardinal Prefect uses this language: "The Fathers of this Society warmly resisted this foul attempt, professing themselves ready to shed their blood in defence

1 Johnson, p. 63.

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of the faith and liberty of the church, which firmness greatly enraged the Secretary [Lewger], who immediately reported to Baron Baltimore that his jurisdiction was interrupted by the Fathers of the Society, whose doctrine was inconsistent with the government of the Province. Hence the said Baron being offended, became alienated in his mind from the Fathers of the Society of Jesus, and at first, ipso facto, seized all their lands and let them to others, as though he was the Lord and Proprietor of them. * * * * * * The said Baron, with others favorable to his opinons, began to turn his attention to the expulsion of the Fathers and the introducing others in their stead, who would be more pliable to his Secretary. Therefore he proceeded next year to petition the Sacred Congregation of the Propagation of the Faith in the name of the Catholics of Maryland, to grant a prefect and priests of the secular clergy faculties for the same mission. * * * * * But the Sacred Congregation being entirely ignorant of these matters, granted the petition, and in the month of August, 1641, faculties were expedited from the Sacred Congregation, and were transmitted to Dom Rosetti, now Archbishop of Tarsus. But since, either the Prefect is not as yet appointed, or the faculties delivered, but are as yet, it is hoped, in the hands of Father Phillips, the confessor of the Queen of England, the Provincial humbly begs of your Eminence to deign to direct that the said faculties may be repealed if the matter is yet entire, or if by chance the faculties are delivered, that the departure of new priests may be retarded for so long as to allow

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the Holy See to decide upon what is best for the good of souls.

"The Fathers do not refuse to make way for other labourers, but they humbly submit for consideration whether it is expedient to remove those who first entered into that vineyard, at their own expense, who for seven years have endured want and sufferings, who have lost four of their own confreres laboring faithfully unto death."[1]

In September, 1642, two priests in England desired to join the Maryland mission, but Baltimore declared that "he could not in prudence allow them to go unless an agreement was first made." On the 5th of October, Baltimore's sister, the wife of William Peasley, wrote: "I have been wit hmy brother, but he is inexorable until all conditions be agreed upon by you."

It had been agreed by the Provincial of the Society of Jesus in England,[2] among other points, "that no Jesuit shall be sent to Maryland without the license of the said Lord Baltimore and his heirs having been first obtained." It was also agreed in this language: "Since it is sufficiently clear that Maryland depends upon England, that it could not support itself unless they frequently sent over supplies of necessaries, and since it is not the less evident that those privileges, exemptions, etc., which are usually granted to eccesiastical persons of the Roman Catholic Church by Catholic princes in their

1 This Memorial was first published in full in Foley's "*Records of the English Province of the Society of Jesus.*" London, Burns & Oates. 1878. In 1881 it was republished by Neill as an appendix to an article in vol. V of "*Pennsylvania Historical Society Magazine.*" It also appears in Bradley T. Johnson's "*Foundation of Maryland.*" published in 1883 by the Maryland Historical Society.

2 For Form of Agreement see page 90 of Johnson's "*Foundation of Maryland.*"

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own countries, could possibly be granted here without grave offence to the King and State of England, which offence, however, may be called a hazard both to the said Baron and especially the whole colony. Therefore none of our said Society shall apply by any spiritual authority, or in any other manner demand or require from the said Baron, or heirs, or any of the officials in Maryland, any privileges, exemptions, etc., in temporal matters except, such as are publicly granted to the Society, or the Roman Church in England."

The Jesuits intending to go to Maryland assented to these conditions and sailed, and Father White, in his Relation, has told us how far they observed them. He writes: "When our people declared it to be repugnant to the laws of the Church, two priests were sent from England who might teach the contrary, but the reverse of what was expected happened; for our reasons being heard, and the thing itself being more clearly understood, they easily fell in with our opinion."

VIII.

THE ACT OF 1649, CONCERNING RELIGION.

The conflict of opinion between the Maryland Jesuits and Lord Baltimore was injurious to the interests of the Proprietor. The fact that the Jesuits held themselves above the laws of England, not only retarded immigration to the Province, but led to serious political complications. The members

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of the House of Commons on the 10th of December, 1641, presented an address [1] to Charles the First at Hampton Court, in which they complained that he had permitted another State moulded within this State; independent in government; contrary in interest and affection, secretly corrupting the ignorant or negligent professors of religion."

Lord Baltimore after this began to enlist Puritan influence to increase the population of the Province. Governor Winthrop of Massachusetts on the 13th of October, 1643, writes in his journal: "The Lord Baltimore, owner of much land in Virginia, being himself a Papist, and his brother, Mr. Calvert, the Governor there, being a Papist also, but the colony consisting of both Protestant and Papist, he wrote a letter to Capt. Gibbons, of Boston, and sent a commission, wherein he made a tender of land in Maryland to any of ours that would transport themselves thither, with free liberty of religion and all the privileges which the place affords, paying such rent as should be agreed upon; but our Captain had no mind to further his desire, even had any of our people temptation that way."

The agitation for toleration in worship began to increase in England.[2] In a work called the "Compassionate Samaritan" it was requested "that the

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1 Rushworth.

2 Lord Robert Brooke, who fell in battle in 1643 at Litchfield, in his "*Treatise on Episcopacy*," wrote: "I must confess I begin to think there may be something more of God in these sects which they call new schisms than appear at first glimpse."

John Milton, in his speech for the liberty of unlicensed printing, in 1645, addressed to Parliament, uses these words: 'Ye know him. I am sure; yet I for honor's sake, and may it be eternal to him, shall name him the LORD BROOKE. He, writing of Episcopacy, and by the way treating of sects and schisms. . . . . He there exhorts us to bear with patience and humility those, however they may be miscalled, that desire to live purely, in such a use of God's ordinances as the best guidance of their conscience gives them, and to tolerate them, though in some disconformity to ourselves.' "

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Parliament will stop all proceedings against them, and for future provide that, as well particular and private congregations, as public, may have public protection, that all statutes against the Separatists be reviewed and repealed; and that the Press may be free for any man that submits nothing scandalous and dangerous to the State; that this Parliament prove themselves loving fathers to all good men, bearing respect unto all, and so inviting an equal assistance and affection from all."[1]

On the last day of January, 1643–4, three clergymen in the Bermudas, N. White, W. Golding and the aged Patrick Copland, withdrew from the Church of England. White before coming to the island had been a zealot for all the ceremonies of the Church. Golding was possessed of a good library, and Copeland, or Copland, was the friend of Nicholas Ferrar, the gentle ritualist of Little Gidding, though widely differing as to church ceremonies. Through Ferrar's influence he went, in 1626, to the Bermudas.[2]

White soon proceeded to England to confer with Copland's friend the Earl of Warwick, and on the 24th of October, 1645, the House of Commons ordered that there should be liberty of conscience in the Bermudas or Somer Islands, and that the Committee of Lords and Commons for Plantations should see that it was executed. On the 4th day of No-

1 Quoted in "*Dipper Dipped*," by Daniel Featley, D.D., London, 1651. Featley died in April 1645.

2 For a full notice of Copland, or Copeland, see "*Founders of Maryland*," Munsell, 1876, pp. 111-115, also Neill's "*English Colonization of America*," London, 1871, pp. 164-181.

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vember this Committee[1] issued a declaration which after recounting that certain persons in Bermudas or Somer Islands did petition that "they, with others which shall join themselves unto them in matters of worship, might by the Parliament's assent and authority be freed from all molestation or trouble for any ceremony and imposition in matters of God's worship, either in those parts of America where now they are, or hereafter, may be planted," mentioned the order of the 24th of October of the House of Commons. The following proclamation is then made:

"Now know all manner of persons that this may concern, that we, the said Robert Earl of Warwick, Governor in Chief and Lord High Admiral of all those Islands, together with the said Commissioners whose names with our seals are hereto subscribed and added, according to the said petition, and in pursuance of the said order of Parliament, duly considering the justice and equity of the premises, as also the great hindrance of the so much to be desired propagation of the Gospel of Jesus Christ in the purity thereof in all parts of the world, * * * * * * do by these presents grant unto the said petitioners and to all others that do or shall hereafter inhabit or abide in those parts of the world that shall join with them * * * protection, immunity and freedom from all trouble and molestation by and for any ceremony or imposition in the

1 The Committee were:—
Lords Warwick,
Pembroke,
Manchester,
Say and Seale,
P. Wharton,
Arth. Haslerigg,
Ben Rydiard,
H Vayne,
Cornelius Holland,
Myles Corbett.

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matter of God's worship, and do hereby require all the Governors * * * * * and all the inhabitants whatsoever within the ports and throughout the coast of America, as aforesaid, to suffer them quietly, freely and peaceably to worship God accordingly in those Islands, and also in all other parts and throughout the coasts of America as aforesaid. And if in case they shall at any time or times hereafter think fit to remove or transplant themselves or their habitations, or any of their goods or estates, to any other part of America, not only for to suffer and permit them, with all that is theirs, so to do without let or disturbance, but also to afford them all necessary aid, help and assistance therein, as they will answer the contrary and the high contempt of the power and authority of Parliament aforesaid."[1]

In 1646 Governor Sayle, of Bermudas, and the clergyman Golding, by way of Boston, went to England in the interests of a free church.

On his way Sayle invited the Planters of James River, Virginia, whose pastor was formerly Governor Berkeley's chaplain, the Rev. Thomas Harrison, to unite with them in a settlement on an isle of the sea. On November 2d, 1646, by the hands of the same Captain Edward Gibbons that in 1643 had borne Lord Baltimore's letter, he sent a note to Governor Winthrop, in which he wrote: "Had your proposition found us risen up, in a posture of removal, there is weight and force enough [in yours] to have stricken us down again." It is pos-

1 For the full text see Lefroy's "*Bermudas*," vol. 1, pp. 601-603.

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sible that Winthrop, of Boston, may have proposed that Harrison and his church members should settle in Maryland, instead of starting to a distant island.[1]

About the time that Governor Sayle[2] reached London, on the 24th of November, 1646, the Plantation Commissioners reported to Parliament: "That Lord Baltimore had wickedly broken his trust, and asked that they might be authorized to appoint the Governor and other officers of Maryland." In the language of Charles the Second, then an exile at Breda, in a commission appointing Sir William Devenant Governor of Maryland, Baltimore "did visiby adhere to the rebels of England," from this time until the restoration. To serve his interests in Maryland he was willing to remove Roman Catholics and appoint a Governor and other officers who would be pleasing to Parliament. His consultations were frequent with the men in power.

A daughter of Christopher Wandesforde, whose father had been a confidential adviser of the Earl of Strafford, and his successor as Deputy of Ireland, writes in her autobiography[3] that a meeting was held at her uncle's house in London, of the Close

1 In London, A. D. 1647, a treatise was published by Samuel Richardson with this title "*The Necessity of Toleration in Matters of Religion; or, Certain Questions propounded to the Synod tending to prove that Corporal Punishment ought not to be inflicted upon such as hold errors in Religion and that in matters of Religion men ought not to be compelled, but have Liberty and Freedom.*"

2 Sayle in 1647 succeeded in forming a company in London for the settling of one of the Bahamas Islands, with entire liberty of conscience for each settler. In October, 1647, he returned to Bermudas and said, 'they had toleration in England, and that in the city of London the Episcopal ministers did preach, the Presbyterians did teach, and the Independents did teach, and where the Presbyterians taught he could never find above a half score of people, but all the rest constantly full." (See Lefroy's "*Bermudas*," vol. I, p. 630.)

Sayle went to the Isle Eleuthera in 1649, with the aged Copland and others, and established a free church, but the settlement was unsuccessful. (See "*A Chapter of American Church History*," in the "*New Englander*," New Haven, Ct., July, 1879.) In July, 1669, Sayle was commissioned as Governor of Carolina. In the constitution prepared by John Locke, the philosopher, it was provided "that any seven or more persons agreeing in any religion shall institute a church or profession, to which they shall give some name to distinguish it from others."

3 Camden Society Publication.

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Committee of Parliament to consult about the King's trial, and her uncle told her 'that Mr. Rushworth, another of the collectors of Parliament, came to him some days before the said consult, and desired the liberty of a large room in his house for that day; to give him the key of the door, that he and his company might privately pass and repass without molestation.' The company came in the morning, but not together, but one after another, and were about a dozen. He saw several disguised faces, particularly, he knew the Lord Baltimore * * * and others suspected to be Papists or fanatics, which strange mixture did much surprise him."

Harrison, the Virginian clergymen who had corresponded with Winthrop, was in London in 1648, the year when Lord Baltimore conceded to the suggestion of the Parliament Committee on Plantations, and to conciliate different parties removed the Roman Catholic Governor Green, and appointed William Stone, of Hungars Neck, on Eastern Shore of Virginia, nephew of Thomas Stone, haberdasher, of London, and brother-in-law of Francis Doughty, a Protestant clergyman, and in his commission is found for the first time the pledge "not to disturb any person professing to believe in Jesus Christ merely for or in respect of his or her religion or the free exercise thereof." [1]

1 Francis Doughty was the son of a Bristol Alderman, and is supposed to have been the Vicar of Godberry, Gloucester, who was arraigned for speaking of the King, as "Charles by common election and general consent, King of England." In 1639 he came to Massachussetts, and subseqnently preached to the English-speaking members of the Reformed Church in Manhattan Isle, now New York City. He then preached in Lower Accomac, where Stone resided. In 1650 he resided in Maryland. At one time he preached in Settingbourne parish, Virginia, about ten miles from the plantation of John Washington, the immigrant, and while there it was complained that he was a non conformist," and that on one occasion " he denied the supremacy of the King, contrary to the canons of the Church of England." Neill's "*Virginia Colonial Clergy*," Philadelphia, 1877, pp 16-17.

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Hammond, a friend of Lord Baltimore, writes as to the Puritan immigration from Virginia, showing that conferences and correspondence had been held with Lord Baltimore and his deputies after the Virginia Legislature of 1647 had expelled Nonconformists. His words are : "Maryland is counted by them as a refuge; the Lord Proprietor and his Government solicited to, and several addresses and treaties[1] made for their admittance and entertainment in that Province. * * * Their propositions were hearkened to and agreed on, which was that they should have convenient portions of land assigned them, and liberty of conscience, and privilege to choose their own officers, and hold court within themselves.

"An Assembly was called throughout the whole country, after their coming over, consisting as well of themselves as the rest, and because there were some few Papists that first inhabited, these, themselves and others being of different judgement, an act was passed that all professing in Jesus Christ should have equal justice." This writer also mentions, that at the request of the Virginia Puritians "the oath of fidelity was overhauled and this clause added to it, 'provided it infringe not the liberty of conscience.'"[1]

The act concerning Religion, in April 1649, by the Maryland Assembly,[2] was not approved by Lord Baltimore for more than a year. In the Record Book is the following note appended, signed Philip Cal-

1 "*Leah and Rachel*," London. 1656.

2 In "*Description of New Albion*," printed in 1648, Plowden who had recently visited the Puritans in Virginia anticipated the ideas of the Act of 1649 by proposing:
1. An Act to settle and establish the fundamentals of Christianity.
2. To punish for contempt, such as "bitter, rail and condemn others."
3 To act in mildness, love, and charity, and gentle language,

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vert. "An Act of Assembly, 21st April 1649, confirmed by the Lord Proprietor, by an instrument under his hand and seal, dated August 26th, 1650." Lord Baltimore, in his defence before Parliament, wrote: "Although those laws were assented unto by the Lord Baltimore in August, 1650, yet it appears, that some of them were enacted in Maryland by the Assembly there in April, 1649." In another place, referring to the laws of 1650, he uses these words. "It was one of those laws passed by the Assembly in Maryland in April, 1650, when the people there knew of the late King's death, a year after the other law above mentioned with divers others, which were enacted in April, 1649, as aforesaid, though in the ingrossment of them all here, when the Lord Baltimore gave his assent to them altogether, August, 1650, it was written before it because they were transposed here in such order as the Lord Baltimore thought fit, according to the nature, and more or less importance of them, placing the act concerning religion first."[1]

The act was contrary to the teachings of the Church of Rome, since it recognized as Christians those who rejected the Pope. During the year 1649 the zealous Philip Fisher, who had been, in 1646, carried to England, was again in the Province, and when the Assembly of 1650 met there was an expression of dissatisfaction with the act.

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1 Blome in his "*Britannia*," published in 1673, at London, mentions Lord Baltimore as one of his subscribers, and he asserts that "His Lordship by Advice of the General Assembly of the Province, hath long since established a model of good and wholesome laws, with toleration of religion, to all such that profess faith in Christ."

"*Lord Baltimore's Case*," printed in 1653 uses these words: "As that by general consent of the Protestants, as well as Roman Catholics it is established by a law there as well as freedom of conscience and exercise of religion within that Province is to all that profess to believe in Jesus Christ."

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The burgesses of that year were: John Hatch and Walter Blane, of St. Georges; John Medley, William Brough and Robert Robins, of Newtown; Philip Land and Francis Brooks, of St. Marys; Thomas Matthews, of St. Inigos; Thomas Sterman and George Manners, of St. Michaels; Francis Posey, of St. Clements; James Cox and George Puddington, Ann Arundel; Robert Vaughan, Isle of Kent.

When the delegates were to be sworn, all the Roman Catholics, four in number, objected to the principles of the act concerning Religion, passed the year before. Medley, Manners and Land thought it was not right to issue a perpetual law upon the subject, but Thomas Matthews, who came from the precinct where Father Fisher now lived, told the Assembly he could not take the oath of toleration, "as he wished to be guided in matters of conscience by spiritual counsel."[1] He was therefore condemned and expelled, and Cuthbert Fenwick, formerly the servant, and afterward the agent of Thomas Cornwallis, was returned in his place.

After Lord Baltimore, in 1650, assented to the Act of 1649 concerning religion he professed fidelity to the Commonwealth, and incensed[2] Charles, in exile at Breda. Doyle, in "*English Colonies in America*,"[3] writes, perhaps too severely: "Two years later Baltimore fairly cut himself adrift from the

1 Maryland MSS.

2 After the passage of the Act of 1649, Charles, in exile at Breda, gave to the poet Davenant a commission as Governor of Maryland. It begins with this sentence: "Whereas the Lord Baltimore, Proprietor of the Province and Plantation of Maryland, in America, doth visibly adhere to the rebels of England, and admits all kinds of schismaticks and sectaries, and other ill affected persons into the said Plantation of Maryland, so that we have cause to apprehend very great prejudice to our service thereby." See "*Founders of Maryland*," page 126. The commission in full is printed in Appendix, pp. 113, 114, "*Virginia Boundary Commissioners' Report*," Richmond, 1873.

3 "*New York Edition*." Henry Holt and Company, pp. 310-311.

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party which had hitherto commanded his allegiance. In August, 1652, he published a manifesto setting forth the various reasons against uniting Maryland to Virginia. The document is in every way a remarkable one. The arguments against the union are set forth with consummate ingenuity, and it must be said with some shamelessness. The son of a royal favorite, he who owed all his worldly position to court patronage, did not shrink from pleading the fidelity of his colony to the Commonwealth, and contrasting it with the stubborn royalism of Virginia. 'It would much reflect upon the honor of the Parliament, if he should become a laughing stock to his enemies for his fidelity to the Commonwealth.' Maryland, he went on to urge, might serve in time of trouble as a refuge for the distressed Puritans from Virginia."[1]

IX.

THE JESUIT MISSION.

The Superior of the Jesuit Mission in Maryland in a report for the year 1693 mentions "that intercourse with the Indians was less than could be wished, nor have Ours established any fixed mission to them."[2]

Sixty years before this was written the first Jesuits left England, and in 1634 arrived in the Province.

1 "*The Lord Baltimore's Case*" was printed in London in 1653. It was reprinted in the Appendix to "*Report of Virginia Commissioners on Boundary Line between Maryland and Virginia*," Richmond, 1873.

2 The facts of this chapter are largely taken from Foley's "*Records of English Jesuits*," and Oliver's "*Biography*."

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They were Fathers Andrew White, Philip Fisher, John Gravener, alias Altham, Timothy Hays, alias Hammer, and a temporal coadjutor, Thomas Gervase.

ANDREW WHITE was born in London about 1579, and was educated at Douay. After being engaged in England as a missionary for some time, he became a professor in Jesuit Colleges in Spain and also at Louvan and Liege. With Fisher he was carried from Maryland in 1645 by Captain Ingle to England. There he was tried and found guilty of teaching doctrines contrary to the statutes, but on the 4th of July, 1646, judgment was stayed. After remaining in Newgate prison eighteen months, on the 7th of January, 1648, O. S., the House of Commons "did concur with the Lords in granting the petition of Andrew White, a Jesuit, who was brought out of America, into the kingdom by force, upon an English ship," and ordered him to be discharged, provided he left the kingdom within fifteen days.[1] In accordance with this order he left England; but after a prolonged absence returned to England, where he died on the 27th of December, 1656, nearly eighty years of age.[2]

PHILIP FISHER was born in Madrid, Spain, in 1595–6, entered the order in 1616–17, and in 1636 was Superior of the Maryland Mission. With White, he was in 1646, taken to England by Ingle, for violating the law relating to ecclesiastics.

After being confined for some time in Newgate Prison, by the influence of Secretary Windebank,

1 "*House of Commons Journal.*"
2 Oliver's "*Biography of Jesuits.*"

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he was released, and harbored, until he found an opportunity to go to America. His hopeful letter, upon returning to Maryland, addressed to Caraffa, General of the Jesuits, and dated March 1st, 1648, O. S., is worthy of preservation, and is as follows :

"At length my companion and myself reached Virginia in the month of January, after a terrible journey of seven weeks. There I left my companion and awaited myself of the opportunity of proceeding to Maryland, where I arrived in the month of February. By the singular Providence of God, I found my flock collected together after they had been scattered these three long years, and they were really in more flourishing circumstances than those who had oppressed them. With what joy they received me, and with what delight I met them, it would be impossible to describe, but they received me as an angel of God. I have been with them a fortnight, and am preparing for a painful separation, for the Indians summon me to their aid, and they have been ill-treated by the enemy since I was torn from them. I scarcely know what to do, but cannot attend to all. God grant that I may do his will to the greater glory of his name. Truly flowers appear in our land, may they attain to fruit.

"A road by land through the forest has just been opened from Maryland to Virginia. This will make it but a two days' journey, and both countries can be united in one mission. After Easter, I shall wait upon the Governor of Virginia on important business. May it terminate to the praise and glory of God. My companion, I trust, still lies concealed;

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but next year I hope to have two or more colleagues, with the permission of your fraternity, to whose prayers and sacrifices I earnestly commend this mission, myself, and all mine." In the year 1652 he died.

JOHN GRAVENER, alias Altham, was born in Warrickshire in 1589, entered the Society of Jesuits in 1624, and on November 5, 1640, died of fever at Saint Mary.

TIMOTHY HAYES, alias Hammer, was born in Dorsetshire, and before 1636 had returned to England.

THOMAS GERVASE, a temporal coadjutor, was born in Derbyshire in 1590, and in 1624 entered the Society. He, with Gravener and Fisher, was in 1627 at Clerkenwell College. He died in Maryland late in the summer of 1637 of fever.

JOHN ROGERS, born at Frome, in Somersetshire, in 1584, the son of Protestant parents, and for a time a student at Oriel College, Oxford, having been converted to the Church of Rome, entered the Society in 1624; came to Maryland about 1636, and before 1638 returned to England.

During the year 1637 the Mission was strengthened by the arrival of Copley and Knowles.

THOMAS COPLEY was the grandson of Thomas Copley, who fled to Paris during Queen Elizabeth's reign, and was knighted by the King of France. His father, William, married Margaretta Prideaux, who had been educated under her aunt, a prioress of Louvain. He was the eldest son, and educated at Louvain. In the Calendar of British State Papers under date of December 1, 1634, Thomas Copley, in a petition to the King states that he is an alien

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born, and therefore believes he is not liable to trouble for his religion, by the laws of the realm, yet fearing he may be molested by some messengers while following occasions which concern his father's and his own estate, prays his Majesty to refer his petition to one of the principal Secretaries. On the 10th of the month a warrant of protection was issued[1] under the King's seal. He arrived in Maryland on the 8th of August, 1637, and was a valuable temporal co-adjutor, and held lands as Thomas Copley, Esq., for the use of the Society. Among the Land Office memoranda is the following: "Thomas Copley, Esq., demandeth 4,000 acres of land due by conditions of plantations, for transporting into this Province himself, and twenty able men at his own charge to plant and inhabit in the year 1637." A few months later it is recorded that there has been "shipped in the St. Margaret for Thomas Copley, Esq., cloth, hatchets, knives, hoes, to trade with the Indians for beaver." On the 13th of May, 1638, there was also entered "for Mr. Thomas Copley, one hundred weight of beaver, traded for with the Indians." He was living in 1650, but the time of his death has not been ascertained.

John Knowles, who came in the same vessel with Copley, was born in Staffordshire in 1607, and entered the Society in 1634. In about six weeks after his arrival in Maryland he died.

Two more missionaries, Poulton and Morley, arrived in 1638.

Ferdinand Poulton, alias John Brock or Brookes, was born in Buckinghamshire about 1630, and on

1 Copy of the warrant is in "*Founders of Maryland*," Munsell, 1879, p. 92.

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